ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Usman Olabo

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Huntington Hospital Medical Cent
North Shore Univ Hospital
Michael Ropice MD

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

20-CV-5661

KUNTZ, J.
REYES, M.J.

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☑ Yes ☐ No
(check one)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 19 2020 ★
BROOKLYN OFFICE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Usman D. Gibbs
Street Address	205 Seaman Neck Rd
City and County	Dix Hills Suffolk
State and Zip Code	N.Y. 11746
Telephone Number	(631)-223-9127
E-mail Address	Mdgibbs199@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Huntington Hospital Medical Center
Job or Title (if known)	
Street Address	270 Park Avenue
City and County	Huntington, Suffolk
State and Zip Code	N.Y. 11743
Telephone Number	(631)-351-2000
E-mail Address (if known)	

Defendant No. 2

Name	North Shore Univ Hospital
Job or Title (if known)	
Street Address	300 Community Drive
City and County	Manhasset, Nassau

State and Zip Code: N.Y. 11036
Telephone Number: (516)-562-4458
E-mail Address (if known):

Defendant No. 3

Name: Michael Repic
Job or Title (if known): MD
Street Address: 5 E Main St
City and County: Huntington, ~~Nassau~~ Suffolk
State and Zip Code: N.Y. 11743
Telephone Number: (631)-271-1640
E-mail Address (if known):

Defendant No. 4

Name:
Job or Title (if known):
Street Address:
City and County:
State and Zip Code:
Telephone Number:
E-mail Address (if known):

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☑ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Section 1557 of Affordable Care Act, Social Security Act Titles XVIII & XIX, 5th, 14th & 15th Amendments

B. If the Basis for Jurisdiction Is Diversity of Citizenship .

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. *Or* is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. *Or* is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than $75,000, not counting interest and costs of court, because *(explain)*:

19 Million Dollars for Racial Discrimination Pain, Suffering,

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(See Complaint)

COMPLAINT

1. On February 22, 2013 plaintiff arrived in Huntington Hospital and reported that plaintiff had gout in his toes and feet to the doctors. Defendants deliberately and irrationally dismissed gout **WITHOUT CONDUCTING ANY LABORATORY TEST FOR GOUT** despite recognizing plaintiff had all physical symptoms of gout, like painful joints and inflamed painful big toe, red skin around the toes, inability to walk on feet, elevated ESR, WBC, etc. **This is clearly negligence as well as medical malpractice in which the defendants are directly, completely responsible for**.

2. The Plaintiff had previous presented material evidence and facts to the court from the Northwell Health's own Official Hospital website: https://www.northwell.edu/find-care/services-we-offer/rheumatology/conditions/rheumatoid-arthritis (Exhibit "N"), where the Northwell Health Hospital system clearly defined the appropriate diagnosis and standard of care of gout for the public. Here on the official website of Northwell Health, the full rheumatological workup is listed on their official website specifically stated that Joint Aspiration or the Synovial Joint Fluid Test is the only definitive test for gout and the appropriate standard of care or diagnostic procedure Northwell Health specifically lists as to determine or detect/rule out Gout:

"Joint aspiration. This involves a removal of fluid from the swollen bursa (or joint) to exclude infection or gout as possible causes."

3. Northwell Health's own official hospital website contradicts Dr. Michael Repice and Huntington Hospital claiming they did a full "rheumatological workup" for the plaintiff. Huntington Hospital deliberately refused to do the synovial joint fluid test when plaintiff arrived into that hospital back in February 22, 2013 and throughout all 12 days plaintiff was there deliberately allowing plaintiff to suffer unnecessarily. In addition Northwell Health on their own

official Hospital Website placed a video for the public, where two Doctors within the Northwell Health system, Dr. Mike Rosen and Dr. Robin Dibner, a board certified Rheumatologist from Lenox Hill Hospital, specifically in the video states the Synovial Joint Fluid Test is the standard procedure of Northwell Health Hospital System for diagnosis of gout and the only way to definitely diagnosis gout (https://www.northwell.edu/about/news/video /what-gout) Exhibit "P", **which Northwell Health/Defendant Hospitals deleted this page on their website and video soon after the plaintiff had found/discovered it and submitted it to the court as evidence in 2018**, which proves the defendants being guilty of medical malpractice and a deliberate proof of discrimination against plaintiff and both the Northwell Health Rheumatology section of their official Hospital website along with Dr. Robin Dibner specifically expresses how serum uric acid test are well known to not be a reliable test for gout.

4. Dr. Michael Repice, Dr. Leonid Lipkin and Huntington Hospital Doctors/Medical Staff all have conspired to deliberately injure, harm and kill plaintiff by 1) Dismissing plaintiff's Gout without conducting any test for Gout on arrival (February 22, 2013), 2) refusing to conduct any test for gout for 5 days after the plaintiff arrived into Huntington Hospital with gout, 3) after artificially suppressing the serum uric acid levels on the fifth day to conduct a less accurate test for Gout, which still diagnosed Gout but willingly chose not to disclose that information to the plaintiff and 4) left plaintiff to unnecessarily suffer from Gout for 12 days in order to kill plaintiff (see the following Exhibit "D"). Even after Huntington Hospital's extremely desperate attempts at fraudulently, deliberately and artificially suppressing plaintiff's uric acid serum level reading , the serum uric acid reading Dr. Repice/Huntington Hospital got on February 27, 2013 five days after the plaintiff came into hospital, still indicated gout (a 6.3 mg/dl reading which is above 6.0mg/dl which any reading above 6.0mg/dl indicates gout Exhibit "D").

5. In addition Huntington Hospital also knew the plaintiff had gout, but refused to disclose the gout diagnosis to me, which is another medical malpractice. Instead of revealing the diagnosis to me, they fraudulently claimed to plaintiff they were searching for a "mysterious illness" which they claimed after 12 days (February 22, 2013-March 5, 2013) they couldn't find this fraudulent "mysterious disease". This is a fraudulent concealment of plaintiff's gout and is another gross negligence as well as medical malpractice

6. In addition on April 10, 2014 when plaintiff returned to Huntington Hospital with wounds from gout of his feet and after the Doctors asked plaintiff about plaintiff's medical history, once Huntington Hospital's doctors (like Dr. Weissinger) and medical staff knew The plaintiff was aware the wounds on plaintiff's feet were from gout, Dr. Weissinger, Dr. Pruzan-Ilinca and other staff in Huntington Hospital along with Hospital Security conspired together and planned to get rid of the plaintiff through an extremely vicious medical malpractice assault of plaintiff as well as medical malpractice patient dumping out into the cold for over an hour to die on April 10, 2014, when Dr. Weissinger, Dr. Pruzan-Ilinca and the Huntington Hospital Doctors/Medical Staff/Hospital Security conspired to harm, threaten and kill me. This is also a violation of plaintiff civil rights where Dr. Weissinger, Dr. Pruzan-Ilinca and other Huntington Hospital staff, conspired to deprive plaintiff of plaintiff's constitutional and legal right to life. These Doctors along with the Hospital send 3 Security guards to plaintiff's Emergency Room to medical malpractice assault me, and to medical malpractice dump plaintiff with open unbandaged feet into the cold for over an hour to die.

7. On April 10, 2014 when the plaintiff arrived at North Shore Univ. Hospital and after being asked by ER Doctors and staff to give plaintiff's Medical History, and after plaintiff told them how their sister Hospital fraudulently concealed plaintiff's gout, and also about Huntington

hospital's' extremely vicious medical malpractice assault of plaintiff as well as medical malpractice patient dumping out into the cold for over an hour to die a couple of hours earlier on the same day April 10, 2014, North Shore continued their conspiracy against plaintiff like the fraudulent concealment of plaintiff's gout North Shore also further continued the reckless and malicious fraudulent concealment of plaintiff's gout and the medical malpractice of their sister hospital, Huntington Hospital, by pretending to have diagnosed plaintiff with a psychiatric disorder including using fraudulent subterfuge terminologies in the medical records like "bizarre behavior" (which was neither defined or described) or "not normal" (which also was neither defined or described and contradicted by North Shore Hospital themselves where in their patient ER arrival and patient discharge records North Shore clearly states that plaintiff (Usman Oyibo's) mental/psychiatric state as **NORMAL AND SPECIFICALLY STATED THAT PLAINTIFF DOES NOT HAVE ANY SERIOUS MENTAL ILLNESS AT ALL**, See the following Exhibit "AA" pages pertaining to North Shore Hospital ER arrival page at the bottom left and the Discharge form in the middle of the page) in their desperate but determinated efforts to discredit plaintiff's presentation and testimony regarding their fraudulent concealment of gout.

8. North Shore like their sister Hospital knew the plaintiff was completely sane and rational and completely able to make his own decisions, but needed a fraudulent pretext in order to discredit the plaintiff and to justify denying plaintiff of plaintiff's patient and constitutional rights to life, continued the fraudulent concealment of plaintiff's gout, which was the direct cause of the wounds on plaintiff's feet, which the defendants allowed plaintiff to suffer and be harmed from gout as well as denying plaintiff of plaintiff's rights like being able to ask questions, to participate in plaintiff's own treatment, to get any truthful information about plaintiff's care to make any informed consent.

9. North Shore Univ. Hospital also in their desperate fraudulent concealment of plaintiff's gout, discrediting plaintiff and protecting Huntington Hospital from their medical malpractice against me, attempted to force plaintiff to take risperidone, an anti-psychotic drug that is known to create tardive dyskinesia, which mimics a psychiatric disorder, in order to viciously fake a psychiatric disorder in plaintiff's system as demonstrated by wikipedia's page on Tardive dyskinesia "**Tardive dyskinesia is often misdiagnosed as a mental illness rather than a neurological disorder...**"(see the following Exhibit "D") ,which ranked among the worst of their desperate and reckless malicious attempts to fraudulently diagnose plaintiff with a fraudulent psychiatric disorder to discredit plaintiff's recognition and account of Huntington and North Shore Univ. Hospital fraudulent concealment of the gout and to fraudulently justify their fraudulently ignoring plaintiff's normal patient inputs and normal patient rights as state law permits in the diagnosis and treatment options and other discussions in the hospital procedures.

10. North Shore Univ. Hospital also in their desperate fraudulent concealment of gout, conspired together and Dr. Nitin Toteja, Dr. William Purtill and others hospital staff illegally maliciously and fraudulently manipulated, coerced and used some of plaintiff's family members towards viciously fabricating the hospital's fraudulent so call "psychiatric diagnosis" of plaintiff, who has never had any history of any psychiatric disorders in his life as was documented by the hospital in their own records (Exhibit "AA" where North Shore Hospital themselves clearly stated in their patient ER arrival and patient discharge records North Shore clearly states that plaintiff's (Usman Oyibo's) mental/psychiatric state as **NORMAL AND SPECIFICALLY STATED THAT PLAINTIFF DO NOT HAVE ANY SERIOUS MENTAL ILLNESS AT ALL**) and the hospital had not been given any permission from the plaintiff to disclose or speak to those family members, who were coerced and fraudulently, maliciously maneuvered by North

Shore Hospital and their medical staff into collaborating with the sister hospital, about plaintiff's condition as well as falsifying their statements to fraudulently strengthen their fraudulent concealment of what happened to plaintiff in both Hospitals and to deny plaintiff of plaintiff's civil and patient rights.

11. Plaintiff's wounds on his feet were from Gout as recognized by North Shore Univ. Hospital's own surgical report and medical records (Exhibit "AA"), exposing the conspiracy of their sister Hospital Doctors and staff's fraudulent concealment of plaintiff's gout, of their sister hospital, Huntington Hospital claiming the plaintiff didn't have gout as well as the fraudulent psychiatric diagnosis in a very vicious attempt at discrediting plaintiffand to protect their sister hospital from their medical malpractices in 2013 and in 2014.

12. The plaintiff respectfully sends you his recording of the criminal medical malpractice which occurred on the night of April 14, 2014 at North Shore Univ. Hospital as evidence by plaintiff of the defendants vicious fraudulent concealment of plaintiff's gout and medical malpractice battery and the deliberately willful and extremely malicious harm and attack the defendants administered on me. The First recording is 17:34 minutes long. Here are the most egregious parts of the defendants gross negligence, carelessness and beyond reckless conduct against plaintiff highlighted and explained (Exhibit "S"):

13. 0:09-0:37 After 4 days of doing absolutely nothing for plaintiff's gout injury in his feet, on April 14, 2014 in the evening, Carlos a hospital staff worker and a female blond haired nurse deliberately lied to plaintiff in his hospital room, claiming they were going to take to a "test" when in fact both of them knew they were going to take plaintiff into the OR for surgery, which **NONE** of the defendants hospital staff discussed with about at all.

14. 1:28 Both Carlos and this female blond haired nurse deliberately lied to plaintiff when the

plaintiff asked if this was a surgery, even after they heard plaintiff say the plaintiff had questions about surgery, which proved the defendants never talked to plaintiff about surgery. was fraudulently wheeled on a bed into the OR and The plaintiff was completely surrounded and ambushed by roughly 20 OR staff.

15. 5:20-6:49 the surgery OR staff again lied to plaintiffabout surgery, saying this wasn't a surgery but a "test", and the voice of the OR Staff member here is the same OR Staff member who later directed by Dr. William Purtill, to deliberately and willfully harm plaintiff ssby committing medical malpractice battery against plaintiffby stabbing plaintiff with a needle.

16. 7:05-9:50 plaintiff asked repeatedly to the OR staff surrounding him in the OR to identify the "test" which the hospital staff had claimed the plaintiff was going to, but instead the OR staff deliberated refused to explain to plaintiffwhat was this "test" or what was actually going on.

17. 9:50 Dr. Pankaj Nayyar, the anesthesiologist doctor, who Plaintiff had never met, seen, talked to or even heard about before this point, arrived into the OR, who admits finally to plaintiff this is not a "test" as the other hospital staff and nurses had willfully and fraudulently presented several times to me, but in fact a surgery. However Dr. Nayyar did not identity the name of the surgery or what kind of surgery, in which Plaintiff directly informed Dr. Nayyar that nobody in the hospital spoke to plaintiff about surgery or any aspect of plaintiff's condition or presented any real evidence to plaintiff how they arrived at surgery being an option or how it became the only option and that Plaintiff had been deliberately presented with fraudulent information repeatedly from the hospital staff and nurse as well as willfully lied to repeatedly by the defendant hospital OR staff and regular nurses and medical staff, which Dr. Nayyar and the rest of the OR staff deliberately ignored.

18. 10:44 Plaintiff also tell Dr. Nayyar that Plaintiff would like to speak to Dr. Purtill, who never explained or talked to plaintiff about surgery, and Dr. Nayyar reveals that Dr. Purtill, who was hiding in another part of the OR and refused to meet plaintiff in his hospital room when Plaintiff asked to speak with Dr. Purtill before being wheeled into the OR by Carlos, was there in another section of the OR and Plaintiff asked to speak with Dr. Purtill.

19. 10:58 Plaintiff tell Dr. Nayyar again that nobody in the defendant hospital told plaintiff anything about his medical condition or this so called "test" which the OR staff all knew in fact was a surgery and now specifically tells the whole OR staff surrounding him that Plaintiff do **NOT** give plaintiff's consent for this, especially in light of the malicious and fraudulent means in which the hospital doctors nurses and medical staff had conducted themselves, and the deliberate lying by the defendants toward plaintiff and not providing any information to plaintiff at all for any informed consent, automatically puts every action and statement of the defendants in the medical record as being completely fraudulent and untrustworthy and is further proof of the guilty mindstate or conscious of the defendant hospital staff due to plaintiff's recognizing the medical malpractice of the defendants sister hospital's towards plaintiff of their deliberate refusal to inform Plaintiff of his gout.

20. 11:00-11:41After being called by Dr. Nayyar, Dr. Purtill then finally comes out of hiding to see me, with an extremely phony and fraudulent "friendly" demeanor. Plaintiff ask Dr. Purtill directly "...I would like to know why I wasn't told you had scheduled a surgery for today and why is everyone telling plaintiff it was a "test"when (they all knew) it was not..." to which Dr. Purtill says "...Because we were afraid that you would freakout...". This viciously fraudulent statement by Dr. Purtill was not only completely untruthful as well as being a complete lie and proved that Dr. Purtill and the rest of the OR and hospital staff are completely fraudulent as well

as liars, but followed up by plaintiff correctly stating "...You don't tell the truth to your patients..." the obvious truth that has been infallibly proven by this recording. Dr. Purtill then tries to fraudulently justify his and the defendant hospital's medical malpractice and criminal behavior by the fraudulent defendant hospital diagnosing high intelligence as being "psychiatric illness" which is equivalent with diagnosing of GOD as being "psychiatrically ill",since GOD has the totality of all intelligence, which is the worst fraud to fraudulently, very viciously and illegally deny plaintiff of his patients rights as well as to viciously and fraudulently discredit plaintiff to protect and fraudulently conceal the defendants medical malpractice of plaintiff's gout as well as the medical malpractice assault and medical malpractice patient dumping out into the cold to die administered by the defendants to plaintiff on April 10, 2014.

21. 11:41-12:17 Plaintiff ask "..who made that diagnosis..." in which Dr. Purtill admits to the defendant hospital's fraudulent diagnosis as being fraudulent by stating in his own words at 12:14 **"...I DON'T KNOW..."** because **NO** person or persons could have made the fraudulent defendant hospital diagnosis of high intelligence as being "psychiatrically illness" which is equivalent with diagnosing of GOD as being "psychiatrically ill" since GOD has the totality of all intelligence, as infallibly proven by plaintiff previously. Nobody can challenge the infallibility of that point which therefore infallibly proved the diagnosis was completely fraudulent. In addition Plaintiff directly asked Dr. Purtill "...why are you (Dr. Purtill) doing this without my (Usman Oyibo) consent..." and Dr. Purtill instead showed absolutely **NO** concern for the welfare, wellbeing of plaintiff's patient rights and proves that defendants never provided any information for plaintiff in terms of how did they arrive at surgery being an option or the only option or if there was any alternatives or any information for plaintiff to make any informed consent at all because the hospital had deliberately refused to talk with plaintiff about his condition and

deliberately, willfully, repeatedly and maliciously lied to as well as deliberately harming me.

22. 12:17 Plaintiff repeatedly informed Dr. Purtill and the rest of the OR Staff that Plaintiff had being lied to by them deliberately, when the defendant hospital staff had repeatedly lied to plaintiff by directly telling him this was a "test", when in fact all of the defendant hospital staff knew that it was a surgery, and also that Plaintiff had **NOT** given any consent at all to the surgery, since the surgery was never presented to plaintiff before being surrounded and ambushed in the OR as well as the defendant hospital staff and nurses fraudulently and viciously coercing plaintiff through deliberate lies and premeditated fraud by the defendant hospital doctors, nurse and OR staff. At 12:35 Plaintiff directly and clearly told the OR staff as well as Dr. Purtill that his father would have to be informed about this surgery when Plaintiff said "...You can't do this without my consent. You can't do this without my consent and my father... would need to be informed, and I did have questions that I wanted to ask about the surgery...". Plaintiff's father was recognized as the Emergency Contact on the Defendant's North Shore Univ. Hospital medical records, but when Plaintiff asked and gave permission for Dr. Purtill to call his father when Plaintiff said "my father, (who was recognized as plaintiff's emergency contact by the defendant hospital), would need to be present or listen. Is there a way, do you have a phone available, I could get him (on the phone)..." Dr. Purtill viciously interrupted plaintiff and nastily stated "...I don't want to speak to your father" deliberately ignoring plaintiff's patient's rights to contact his emergency contact. When Plaintiff asked "...Why not...", Dr. Purtill against viciously stated "...your Father is the one that advised you to put these wrappings on your feet...". First of all, Plaintiff made his own decision with his 142 Genius IQ (Exhibit "G") to use the poultice. Poultice are a well known healing process in the medical community and in the hospital system like NYU Langone via Dr. Alex Moroz (Exhibit "E") and Huntington Hospital via Dr.

Pruzan-Ilinca for pain. The problem with plaintiff's feet was directly due to the Defendants hospital (Huntington Hospital) deliberate dismissal of gout upon arrival without conducting any test on February 22, 2013 and refusing to do the synovial joint fluid test, which the defendant hospital have listed on their own official hospital website as the standard procedure to definitely diagnosis Gout and the only part of rheumatological workup to definitely diagnose gout (Exhibits "N" and "P"), and then waited and willfully allowed plaintiff to suffer for 5 days to finally do a less accurate test as the defendant hospital official website themselves have stated, which still diagnosed gout but defendants willingly refused to disclose that diagnosis of gout over to plaintiff and refuse to treat plaintiff's gout, instead both defendant hospitals did everything possibly to fraudulent conceal his gout as well as leaving plaintiff to suffer unnecessarily from gout.

23. 13:15 Plaintiff told the OR staff as well as Dr. Purtill the malicious conduct as well as the deliberately vicious harm to plaintiff by Dr. Purtill and the OR staff was in his own words "..is criminal behavior...you know that..". Once Dr. Purtill, Dr Nayyar and the OR staff who were still completely surrounding plaintiff heard and recognized Plaintiff was completely sane and aware of their malicious harm towards plaintiff and fraud, criminality, gross negligence, carelessness, recklessness and clear medical malpractice, one of Dr. Purtill's OR staff (the same OR staff member earlier at 5:20 who directly lied to plaintiff's face about this being a "test"when he knew it was a surgery) sneakily came up on the left side of plaintiff and attempted to stab plaintiff's left arm with a needle. Plaintiff turned around to his left side and calmly asked at 13:19 "...May i ask what that is, sir..." specifically referring to the needle in this OR staff member's hand and the OR staff member claimed while still moving towards plaintiff's arm to stab him me with it "...it is something to take the edge off...", another fraudulent and vicious

attempt at discrediting me, since anyone can clearly hear me, despite the vicious and malicious provoking, harmful conduct by Dr. Purtill, Dr. Nayyar and the Hospital OR staff against me, being completely rational, sane and calm and this OR staff member had absolutely no right to make any attempt at deliberately harming or stabbing anything into plaintiff's body without consent or coerce with fraud, provoke, goad and threaten plaintiff as a patient with medical malpractice battery. Not only did the OR Staff with Dr. Purtill's complete support of this viciously harmful medical malpractice battery attack, not ask for plaintiff's consent, the OR staff was trying to sneakily stab plaintiff with a needle while Plaintiff was talking with Dr. Purtill who was directly in front of me. Plaintiff had to remove the needle drawing blood site from his left elbow pit in order to stop the OR staff member from stabbing plaintiff with this medical malpractice battery needle attack.

24. 13:33 Under an incredibly vicious, coercive, fraudulent, uncaring and maliciously harmful atmosphere which was created completely by Dr. Purtill, Dr. Nayyar and the Hospital OR staff and after the medical malpractice battery attempt by them, Plaintiff calmly asked Dr. Purtill "...I want to know, what is the procedure...what is that called...". Dr. Purtill never once named the procedure at all to me, nor the risk of the procedure or alternatives to it. Since Dr. Purtill and the Hospital OR staff deliberately lied about the surgery by repeatedly lying to plaintiff that it was a "test", surrounded, ambushed and ganged up against plaintiff in the OR with roughly 20 people, then refused to contact plaintiff's emergency contact (his father) when given permission by plaintiff to do so, and making a viciously sneaky medical malpractice battery attack against plaintiff to deliberately harm me, Plaintiff asked to speak to a hospital administrator or someone in charge to protest and file a verbal grievance against Dr. Purtill, Dr. Nayyar and the Hospital OR staff due to their guilty, fraudulent, harmful, vicious and grossly

negligent conduct because Dr. Purtill, Dr. Nayyar and the Hospital OR staff were, as Plaintiff stated in plaintiff's own words **"...doing something illegal here. you are all doing something illegal..."** which not one of North Shore Univ. Hospital OR staff or Dr. Purtill or Dr. Nayyar disagreed with or disproved, which is infallible proof of Dr. Purtill, Dr. Nayyar and the Hospital OR staff guilty conscious as well as all of them being completely guilty of medical malpractice. Instead of complying with plaintiff's request, Dr. Purtill, Dr. Nayyar and the Hospital OR staff willfully chose to ignore it and continued to deliberately harm, abuse and attack plaintiff as if there was nothing wrong with Dr. Purtill, Dr. Nayyar and the Hospital OR staff lying to, ganging up on, ambushing and surrounding, and illegally coercing plaintiff into an unnamed procedure by deliberate and willful fraud along with medical malpractice battery.

25. 14:49- Plaintiff ask again "...what is the procedure that is going to happen to me..." and this time Dr. Nayyar states in his own words at 14:54 **"...I don't know, i don't know the procedure..."** and later Plaintiff asked the OR staff and the Doctors at 14:59 "...And yet you use sedation on people when they ask questions...," referring to the previous vicious medical malpractice battery attack on plaintiff just a couple of minutes earlier

26. At 15:16 Plaintiff once again have to explain to Dr. Nayyar, that Dr. Purtill "...did not tell me (Usman Oyibo) anything about the procedure...". Dr. Nayyar, like Dr. Purtill and the rest of the OR staff, also never named the procedure, and instead chose to deliberately and irrationally harm, abuse and attack plaintiff as well as deliberately refuse to answer any of plaintiff's valid, reasonable questions like the most basic one: "What is the name of the procedure" along with plaintiff's asking at 15:48 "...you still haven't told me why you told me (the surgery) was a "test"..." where the guilty conscious of Dr. Nayyar is evident by his rude interruption as well as his immediate dismissal of this point. Plaintiff also tried to get an answer to why didn't anyone of

the OR staff or Dr. Purtill or Dr. Nayyar talk to plaintiff and at 16:05 Plaintiff said "...i have questions to ask..." which Dr. Purtill, Dr. Nayyar and the Hospital OR staff deliberately refused to allow plaintiff to ask any questions or listen to plaintiff's questions due to Dr. Purtill, Dr. Nayyar and the Hospital OR staff's fraudulent concealment of plaintiff's gout as well as their being completely guilty of medical malpractice. Plaintiff also again proved they never talked to plaintiff about surgery by the silence of the OR staff and in particular Dr. Purtill as well as Dr. Nayyar when Plaintiff clearly asked all of them "...did i (Usman Oyibo) ever say once that i wasn't going to do surgery (before plaintiff was deliberately lied to and ambushed in the OR by the hospital)..." which none of them had any response because they all knew Plaintiff was right in they never talked to plaintiff at all about surgery.

27. 16:43 Plaintiff repeat again that "...No one ever asked to me about having this surgery, and i never said no (because they never talked to plaintiff at all about surgery and proved that it was the only option or there wasn't any other alternatives and this recording infallibly proves that Dr. Purtill, Dr. Nayyar and the Hospital OR staff never talked to plaintiff at all about surgery or proved that it was the only option or there wasn't any other alternatives)...", Dr. Purtill, Dr. Nayyar and the Hospital OR staff again due to their guilty conscious again avoided answering this question, instead trying to evade this valid point by complaining about plaintiff protecting himself during the hospital's medical malpractice battery attempt by the OR staff member who tried to stab plaintiff's left arm earlier, where Plaintiff explained to the hospital OR staff along with Dr. Purtill as well as Dr. Nayyar that (at 16:49) "....I (Usman Oyibo) asked a question and was being sedated while trying to get an answer to that question...".

28. 17:00 Once again Plaintiff asked the OR staff as well as Dr. Purtill and Dr. Nayyar to contact plaintiff's father, and again they deliberately refused to.

29. 17:11 Dr. Nayyar authenticated the time as well as the date of this recording where he callously states "...i don't get any pleasure out of arguing with you at 9 o'clock at night upon a monday morning (April 14, 2014). I have better things to do..." showing the worst kind of carelessness, recklessness as well as gross negligence and absolutely no care for plaintiff at all.

30. 17:25-17:34 when Plaintiff asked "...who signed the consent forms..." (Since Plaintiff had not given any consent due to the fraudulent careless and coercive atmosphere, conduct and medical malpractice battery committed by Dr. Purtill, Dr. Nayyar and the Hospital OR staff upon me), the completely guilty conscious of the Hospital OR staff, Dr. Purtill and Dr. Nayyar's criminality, carelessness, gross negligence, recklessness, fraudulence and medical malpractice now reached it highest peak by Dr Nayyar claiming **"...I don't know..."** and then Dr. Purtill giving an order to all of the OR staff surrounding me, to rush plaintiff physically from all sides and then engage and implement a vicious medical malpractice battery of plaintiff by stabbing plaintiff's right leg with the same needle they tried earlier to medical malpractice battery and vicious attack as well as injure plaintiff with. Plaintiff was knocked unconscious after this deliberately harmful, premeditated, willful malicious medical malpractice battery, and then Dr. Purtill, Dr. Nayyar and the Hospital OR staff viciously and fraudulently **AMPUTATED** all of plaintiff's toes to fraudulently conceal plaintiff's gout.

31. As Plaintiff have infallibly proved by this recording, there was absolutely no informed consent or any consent at all gotten by the defendants from I, defendants deliberately and willfully presented lies, outright fraud and egregious abuse and harm and vicious injury to plaintiff as well as clear evidence of the defendants conspiracy to deliberately deny plaintiff of plaintiff's civil and patient rights and plaintiff's life to fraudulently conceal plaintiff's gout along with a premeditated, willful and malicious medical malpractice battery and vicious attack by the

hospital doctors an staff against me. **No reasonable person would ever give consent for a hospital to viciously as well as deliberately harm them through a fraudulent psychiatry diagnosis to hide their medical malpractice, lying to the patient about what patient is going to get or what kind of treatment patient was going for and outright refusing to even give the name of the procedure/surgery to the patient, all while ambushing and ganging up of the patient in the OR and coercing/threatening/attacking the patient with deliberate harm, threats and injury in the form of medical malpractice battery.** This is what Plaintiff was administered by the defendants, which is clearly medical malpractice and gross violation of US Federal law/statutes.

32. The second recording (Exhibit CD folder "S") is 20:15 minutes long and it is of a call to Dr. Purtill's office who had personally called plaintiff's home telephone number wanting to speak to plaintiff directly about coming to see him. The date of this call was May 23, 2014 while Plaintiff was in the Highland Care Facility in Queens and it was a threeway call between me, plaintiff's Father, Professor G. A. Oyibo, along with Dr. Purtill's office secretary and later with Dr. Purtill both in Garden City, NY . Initially the Office Secretary, claimed that Dr. Purtill was not in the office, but wanted to see me, but when Plaintiff requested that Plaintiff had to speak to him, finally at 2:27 Dr. Purtill came onto the phone and was in the office after all. Plaintiff informed him (Dr. Purtill) that plaintiff's Father was on the phone as well. At 3:38 when plaintiff's father came on the phone, Dr. Purtill due to his guilty conscious was extremely reluctant in talking to plaintiff's father. At 4:15 Plaintiff identified to Dr. Purtill that Plaintiff am on a Wound vac machine (the noise heard in the background) and that Plaintiff was in Highland Care in Queens. Dr. Purtill keeps claiming he "wants to see" me, but at 5:35 plaintiff's father explains to Dr. Purtill about plaintiff's horrible medical malpractice battery attack by Him, Dr

Nayyar and the Hospital OR staff upon me, and the psychiatry department led by Dr. Toteja deliberately mislead or misrepresented the reality of the situation Plaintiff was in, in order to illegally deny plaintiff his patients rights as clearly stated by NYS law. At 6:56 plaintiff's father explained to Dr. Purtill that because of the fraud of Dr. Toteja and the psychiatry department that I"...was not allowed an opportunity to explain to you why he (Usman Oyibo) came into the hospital, because you were told he was a crazy child..." which Dr. Purtill can't challenge because he knew the psychiatric diagnosis was fraudulent and was crafted by North Shore Univ. Hospital to viciously discredit plaintiff .

33. 8:17 Plaintiff's Father, Professor G. A. Oyibo gives background of plaintiff's family to Dr. Purtill, and explains to Dr. Purtill about Professor Oyibo's being associated with the infallible formula/revelation GOD ALMIGHTY'S GRAND UNIFIED THEOREM nicknamed GAGUT, Gij,j=0 and how Professor Oyibo edited (or grading the work within) a book on Mathematical Biology called Applied Mathematics: Methods and Applications, particularly the work of a pioneer in the field of Mathematical Biology Dr. Lee Segal, who got his Ph. D from the Massachuttes Institute of Technology (MIT) and ended up in Israel in the Weizmann Institute and a founding member of the bulletin of Mathematical Biology. Professor Oyibo graded the work of Dr. Lee Segal (Exhibit "F")

34. 10:12-11:02 Plaintiff's Father, Professor Oyibo, explains that Plaintiff had come into the hospital with a wound and what Plaintiff wanted to see done with that wound when Plaintiff arrived, but North Shore Univ. Hospital made sure that Plaintiff was not allowed to express what Plaintiff wanted to see done with that wound. In addition plaintiff's Father presents that Plaintiff have a genius IQ of 142 (Exhibit "G") and Professor G. Oyibo states infallibly "...there has not been a record in anywhere including the ones that are there in your hospital of him (Usman

Oyibo) having any sign of mental problems, and so what you all have been accusing him (Usman Oyibo) of is genius intelligence...".

35. 11:16 Plaintiff's father also explains that Plaintiff had won a national mathematics award/prize and that Plaintiff had never had any signs of mental problems and that Plaintiff came into the hospital to see what can be done for that wound which Plaintiff was not allowed to express by the North Shore Univ. Hospital and psychiatry. Plaintiff's father also recalled that a colleague of Dr. Purtill from North Shore Univ. Hospital, a Chinese female vascular surgeon confirmed with an ultrasound test and verified that plaintiff's feet had circulation, which Plaintiff added at 12:20-13:45 "...she did a Doppler, which is also known as a(n) ultrasound and actually determined that both feet had blood flow. That was the first day I (Usman Oyibo)was in North Shore..." . This was confirmed by the wounds, which started in the ankle area, and as the healing was going on, it was going towards the toes, so circulation was seen, and that is mathematical biology. Plaintiff knew there was circulation in both feet and the Chinese vascular surgeon from North Shore Univ. Hospital confirmed it. When plaintiff's Father stated one of the questions Plaintiff wanted to ask which "...is there a way to channel that circulation in the feet into the toes which are lacking circulation..." , Dr. Purtill rudely interrupts Professor Oyibo.

36. 13:48 Dr. Purtill states that Plaintiff had "...good circulation to the edges of the wounds...". However he claims that "... beyond that everything was dead...", but never proved that or provided any proof of that to plaintiff at all during the time Plaintiff was in the North Shore Univ. Hospital. And from the previous recording from April 14, 2014 Plaintiff have already proved that Dr. Purtill is a viciously fraudulent liar and untrustworthy person who did not demonstrate the care, appropriate conduct and concern a doctor should have for a patient, and deliberately put plaintiff in a situation where Dr. Purtill was willingly, negligently and

maliciously promoting, encouraging as well as directing a medical malpractice battery by the OR staff upon plaintiff on April 14, 2014 when Plaintiff was asking questions about plaintiff's feet and surgery in the OR after he directed the Hospital nurses and staff to deliberately and repeatedly lie to plaintiff in his hospital room that Plaintiff was going for a "test" not a surgery, as well as after having the hospital staff and nurses deliberately lie to plaintiff about going to a "test", then Plaintiff was fraudulently coerced into the OR on a hospital bed while being specifically ambushed and ganged up on by roughly 20 OR staff members in the OR and later at Dr. Purtill's order physically constrained and stabbed with a sedative in plaintiff's leg.

37. 14:41 Dr. Purtill continues to be rude to plaintiff and his Father, and after several calls demanding to talk with plaintiff and wanting to see me, now Dr. Purtill rudely claims he has to go, more evidence demonstrating his guilt. Plaintiff's Father, Professor Oyibo, demands an apology from North Shore Univ. Hospital, including Dr. Purtill for not letting plaintiff speak when Plaintiff was in the hospital. Dr. Purtill claims "...I can't speak to that...". When Professor Oyibo says at 15:07 "...Do you realize that you were told he had a mental problem which is what precluded you from talking to him..." Dr. Purtill callously revealed that at 15:13 **"...this stuff happens in hospitals ..." which reveals this type of egregiously fraudulent vicious conduct by Northwell Health hospitals is a standard process for the Doctors and Hospital staff to conspire against and to discredit patients/people especially when those patients/people have witnessed or experienced some form of wrongdoing by Northwell Health and also to fraudulently deny the patients of their specific rights by federal and state law.**

38. 15:25-16:05 Professor Oyibo brings to Dr. Purtill's attention about plaintiff's being specifically ambushed and ganged up on by roughly 20 OR staff members in the OR on April 14, 2014, which Dr. Purtill is initially silent about, and when Professor Oyibo brings up the point of

plaintiff's asking Dr. Purtill on April 14, 2014 in the OR to contact plaintiff's father, Dr. Purtill guiltily evades that question.

39. 16:07 Plaintiff and his Father now demand the psychiatry fraudulent diagnosis by Dr. Toteja and psychiatry be settled, and that Dr. Purtill can't see plaintiff if the fraudulent label of mental patient is on me. Dr. Purtill says at 16:22 **"...I'm not seeing him (Usman Oyibo) as any such thing at all..."** and later at 16:36 Dr. Purtill says **"...I'm not seeing him (Usman Oyibo) as a mental patient..."** .

40. 16:42 The fraudulent psychiatric diagnosis by Dr. Toteja and psychiatry is further demolished where Dr. Purtill is now saying **"...I'm not seeing him (Usman Oyibo) as a mental patient..."** and now tries to distance himself from the fraudulent psychiatric labeling of me.

41. 17:04 Plaintiff's's father tells Dr. Purtill that he is aware of the Medical Malpractice Battery by the OR staff against plaintiff on April 14, 2014, which Dr. Purtill was one of the main architects of this conspiracy against plaintiff and his rights and this egregious, extremely vicious attack on plaintiff by using the fraudulent psychiatry labeling by Dr. Toteja and psychiatry to deny plaintiff his patient rights and was willingly, negligently and maliciously promoting encouraging as well as directing a medical malpractice battery by the OR staff upon plaintiff when plaintiff was asking questions about his feet and surgery in the OR as evident by plaintiff's April 14, 2014 recording. **Professor Oyibo after being informed by plaintiff about the viciously medical malpractice battery in the OR tells Dr. Purtill at 17:06, as the leader of the surgical team (Dr. Purtill) "... saw when they (OR staff) were constraining him (Usman Oyibo) and pushing him down and stabbing him with a needle, while just before surgery, especially when he (Usman Oyibo) said "you need to talk to my father", do you remember that happening..." Dr. Purtill flat out lied and says "...I don't.".**

42. This is directly contradicted by plaintiff's April 14, 2014 recording (Exhibit CD folder "S") where Dr. Purtill said outright when Plaintiff asked him to talk to plaintiff's father "...I don't want to talk to your father..." as indicted earlier.

43. 17:26 When Plaintiff reaffirmed the truth that Dr. Purtill had both refused to talk to plaintiff's father and was there when Dr. Purtill himself gave the order to the OR staff to rush and constraint plaintiff and stab plaintiff's right leg with a needle by saying "...that is exactly what happened..." , Dr. Purtill in a guilty conscious as well as mindstate then changed his fraudulent answer from "...I don't..." to "... it very well may of happened, but I wasn't there when it happened..." which is another direct lie as proven by plaintiff's April 14, 2014 recording.

44. 17:32-17:44 Plaintiff reaffirms the truth that Dr. Purtill was there when North Shore Univ. Hospital OR staff, at Dr. Purtill's order, viciously engaged in medical malpractice battery attack of plaintiff by stabbing plaintiff in the right leg. Plaintiff tell Dr. Purtill that "...you (Dr. Purtill) was right there sir...doctor you were right there....you were right there sir...you were there the whole time up until I (Usman Oyibo) got stabbed ..." now Dr. Purtill's fraudulent answer was "...I wasn't there for that part..." which again is disproved by plaintiff's April 14, 2014 recording.

45. 17:44 When Professor Oyibo expresses this vicious medical malpractice battery against plaintiff is a very serious issue, and Plaintiff says to Dr. Purtill "...that happened sir...you were right there sir... I do not understand why you are now saying you weren't when you were there...", Dr. Purtill finally states that at 18:00 "...maybe I was there, maybe I wasn't..." which is finally an admission of guilt by Dr. Purtill of the vicious medical malpractice battery against me. Then after his admission, Dr. Purtill then callously and

carelessly claims North Shore Univ. Hospital's vicious medical malpractice battery against plaintiff in Dr. Purtill's own words at 18:03 "...(the vicious medical malpractice battery of plaintiff by the Hospital OR staff) doesn't matter...".

46. 18:23 Dr. Purtill again repeats that he is not seeing plaintiff as a Mental patient.

47. 19:34 Dr. Purtill again repeats that he is not seeing plaintiff as a Mental patient.

48. After a few seconds Dr. Purtill in his guilty mind state due to the fraudulent and egregiously vicious way he, Dr. Nayyar and the North Shore Univ. Hospital staff treated plaintiff in the Hospital/OR leaves the phone call.

49. The reason Dr. Purtill, Dr, Nayyar and the OR staff all conspired against plaintiff and deliberately and repeatedly lied about the surgery and viciously fraudulently coerced ,ganged up on plaintiff in the OR into the surgery by claiming it was a "test" as well as deliberately refused to name the procedure to plaintiff is if they did name the procedure and talked with plaintiff about said procedure before fraudulently coercing plaintiff into the OR, they would then have to explain to plaintiff why that procedure was needed or what was the underlying illness that caused the need for the procedure, and that means the hospital doctors and medical staff would have to reveal/disclose to plaintiff that plaintiff's underlying illness was gout, as their own medical records from North Shore Univ. Hospital in the surgical report/medical records clearly stated Plaintiff had gout (Exhibit "AA")which Dr. Purtill, nor Dr. Nayyar or any of the Hospital Staff/Nurses ever disclosed to me.

50. Also due to the fraudulent concealment of plaintiff's gout by the hospital, North Shore Univ. Hospital real motive or goal was not plaintiff's well being or health, but desperately removing the physical evidence of plaintiff's gout in plaintiff's feet while trying to also viciously discredit plaintiff through the fraudulent psychiatric diagnosis in order to

make sure Huntington and North Shore Univ. Hospital's egregious medical malpractice would be hidden from the public.

51. Also if Dr. Purtill or Dr. Nayyar or any of the Hospital staff at North Shore disclosed to plaintiff that Plaintiff had gout as North Shore Univ. Hospital own medical/surgical records clearly state that Plaintiff had gout (Exhibit "AA"), it would be a clear evidence their sister hospital, Huntington Hospital of being absolutely guilty of medical malpractice when they did everything possible to fraudulently conceal plaintiff's gout from dismissing upon plaintiff's arrival of gout without any medical or lab test, refusing to follow Northwell Health's own standard of care which they themselves listed on the official hospital website, for the definite diagnosis of gout which is joint aspiration/synovial joint fluid test (Exhibits "N" and "P"), deliberately allowing plaintiff to suffer for 5 days and artificially suppressing plaintiff's serum uric acid level, during those 5 days, before conducting the serum uric acid test, an unreliable test for gout as listed by Northwell Health own Official website (Exhibits "N" and "P"), and even after all desperate attempts by Huntington Hospital to fraudulently conceal plaintiff's gout, the serum uric acid test result still indicated gout, but Huntington Hospital still willfully chose to refuse to disclose that Plaintiff had gout so the plaintiff can suffer unnecessarily from gout..

52. Plaintiff's medical malpractice case has been extremely and viciously trivialized by the Nassau County Supreme Court and Appellate Court Judges when it is in the class of the worst and most vicious and malicious medical malpractice cases completely similar to the Tuskegee Experiment, *Pollard v United States* and the Nassau County Supreme Court and Appellate Court Judges are refusing to even see this as a medical malpractice, proves the appellate court is obviously ignoring plaintiff and refusing to hear plaintiff's case at all, which is a clear denial of Due Process for plaintiff in the courts.

53. **Plaintiff on April 10, 2014 was medical malpractice assaulted as well as medical malpractice patient dumped out into the cold for over an hour to die by Huntington Hospital, which are not only negligences (directly and completely caused by the defendant hospital and their agents/agency without any contribution to that negligence from I) but are the worst medical malpractices which are captured on the videos requested by the Subpoena Duces Tecum (Exhibit "H"). These videos infallibly proved these negligences and criminal medical malpractices happened, however Judge McCormack/Attorney Roth conspired with their fellow defendants like Attorney Adam S. Covitt from VBPNP and specifically denied plaintiff his constitutional rights by the 5th and 14th Amendments of due process and life in the courts to prove plaintiff's case by Judge McCormack/Attorney Roth fraudulently refusing to force the defendants to surrender those videos/evidences and Judge McCormack/Attorney Roth revealed themselves to be lawyers for the defendants while pretending to be judges in this case, something Judge McCormack had later on recognized as being illegal and unprofessional conduct as a judge (judicial misconduct) and therefore recused himself (Exhibits "J" and "L"). The Defendant Hospital medical malpractice assaulting plaintiff as well as medical malpractice dumping plaintiff out into the cold with open unbandaged feet for over an hour to die was a viciously, deadly conspiracy orchestrated by Dr. Weissinger, Dr. Pruzan-Ilinca, and other Huntington Hospital Staff along with Hospital Security to deprive plaintiff of his constitutional right to life, clearly demonstrated by the defendants reckless negligences and gross criminal medical malpractices without any contribution to that negligence from plaintiff.**

54. Plaintiff respectfully presents information of Dr. Michael H. Pillinger (his official credentials publicity displayed online on the official NYU Langone Hospital system website, a

sample of his research publications and public statements) of the NYU Langone Hospital system, who is a world recognized expert on Gout, an Associate Professor of Medicine and Biochemistry and Molecular Pharmacology at NYU School of Medicine, Section Chief in Rheumatology at the New York campus of the VA, New York Harbor Health Care System and a Board Certified in Rheumatology and an internationally recognized expert on the subjects of inflammation and gout. He is also the author of more than 100 manuscripts , publications and papers on gout and other related diseases, and is the author of chapters on gout pathogenesis and neutrophil biology in Kelley's Textbook of Rheumatology, one of the "bibles" in the field and the Director of the Crystal Diseases Study Group (CDSG) in the NYU Division of Rheumatology, which is focused on clinical and laboratory investigations into the biology, epidemiology and treatment of gout and other diseases in which crystals form aberrantly within the human body promoting inflammation and tissue damage. Dr. Michael H. Pillinger specifically states that **"Ideally, all gout patients should have a crystal-proven diagnosis of gout"** and in the attached research Publication *"Update on the Management of Hyperuricemia and Gout* "by Michael Pillinger M.D. and Robert T. Keegan M.D. , Bulletin of the NYU Hospital for Joint Diseases 2008;66(3):231-9, states that Gout can cause and lead to the loss/amputation of toes **"...In contrast to the view of gout as a relatively benign disease, poorly managed gout can be disabling and lead to joint destruction, joint infection, and, occasionally, amputation and death..."** (Exhibit "E" pp.231).

B. State and Federal cases where all Judges acted as Lawyers for the defendants

55. Plaintiff's first state medical malpractice case was initiated on August 21, 2015. Plaintiff also on October 13, 2016 had requested a Subpoena Duces Tecum, which requested videos of

the medical malpractice assault for all to clearly see (Exhibit "H"). On October 27, 2016 the defendants changed law firms to Vigorito, Barker, Patterson, Nichols and Porter with Attorney Adam S. Covitt, which then he drafted a fraudulent motion to quash with the argument saying that a child (medical malpractice assault) is infallibly unrelated to its biological mother (medical malpractice super set) which is wrong. On August 31, 2017 the Court severely erred in agreeing with them and when Attorney Roth passed this fraud along and reacted in a hostile and threatening matter to the plaintiff, plaintiff then submitted a motion for Judge McCormack's recusal on September 11, 2017, where plaintiff outlined that a judge who doesn't know that a child (medical malpractice assault) IS infallibly related to its biological mother (medical malpractice super set) is incapable (or unqualified) to preside over this case. On the following date of November 14, 2017 James P McCormack and his law secretary Gregg Roth granted the motion, proving they were acting as lawyers for the defendants NOT as fair and impartial judges for the plaintiff's case.

56. The court on November 14, 2017 then proceeded to have Judge Leonard D. Steinman preside over the case, but he in turn acted as a hatchetman agreeing to everything the defendants wanted, include a summary judgment motion they submitted while absolutely no discovery from them was provided in the case. Soon after on April 5, 2018 plaintiff had put in a motion to recuse himself, which Judge Steinman has, without disclosure of his conflict of interest as well as having a personal/financial interest in the proceeding, where his daughter, Hallie Steinman is employed by the defendants, stubbornly presided over the plaintiff's medical malpractice case proceedings in the Nassau County Supreme Court with absolutely no intention to fairly hear plaintiff case or allow any discovery/evidences of the medical malpractice (AGAIN A CLEAR DENIAL OF DUE PROCESS OR FIFTH AND FOURTEENTH AMENDMENTS FOR

PLAINTIFF). Even after a motion to recuse himself, where the plaintiff notified Judge Steinman's conflict of interest, Judge Steinman has extremely trivialized the plaintiff's medical malpractice case in order to protect defendants from being completely guilty of criminal medical malpractice as well as conspiring with Attorney Covitt/VBPNP Law Firm in fraudulently killing Plaintiff's infallible criminal medical malpractice case in order to make sure his daughter will continue to be employed by the defendants which is both a personal and financial interest for Judge Steinman and a very strong motivation for Judge Steinman to fraudulently destroy and kill plaintiff's case to protect his own interests.

57. In addition Judge Steinman after the recusal motion engaged in more judicial misconduct and criminal behavior, by fraudulently concealing/covering up his original misconduct by improperly stopping and issuing a fraudulent decision to the recusal motion 5 days after it was submitted, refusing to let defendants respond at all to the evidence of Judge Steinman being a lawyer for the defendants instead of a fair and impartial judge in the plaintiff's case, ignoring his clear conflict of interest which gave Judge Steinman a strong motivation to fraudulently destroy and kill the plaintiff's medical malpractice case by deliberately preventing the plaintiff any discovery/evidences to prove plaintiff's case and also removing evidences of his gross judicial misconduct stated by members of his own court, Nassau County Supreme Court and other Attorneys on a website therobingroom.com, where they publicly expressed not having any confidence in Judge Steinman to be a fair and impartial judge, but instead a fraudulent and corrupt judge as evidenced by the following comments made by the public (Exhibit "K"):

"Justice Steinman issued a number of decisions that the Nassau County Bar shared with me after I personally witnessed that he is detached from realty, is self serving and financially rewards his "so-called" friends.(Court Staff dated 1/22/2017 6:38:41 PM)"

"Atrocious and illegal conduct, using his government position to abuse people for political gain and his own pocketbook. (12/16/2016 10:40:04 PM)"

"This Judge (Steinman) removed an attorney from the Courtroom, by force of a Court Officer for 10 minutes on August 12, 2016, without her property for OBJECTING on the basis of relevance. Allowed others to view her cell phone, legal documents and property (Litigant 12/13/2016 3:27:25 PM)"

"This person (Judge Steinman) is highly unstable. Takes personally basic matters and lashes out at lawyers before him for no reason.(Court Staff 8/25/2016 8:46:03 PM)"

"Justice Leonard Steinman should be criminally investigated. (7/12/2016 9:15:07 PM)"

"This is what we get when we vote on party lines and we know nothing about the person. This judge's (Judge Steinman) knowledge is minimal, with shallow decision, and does not know minimal procedural requirements. Stay away if you can. (Litigant 6/29/2016 5:41:03 PM)"

58. JUDGE STEINMAN HAD SEVERAL OF THE STATEMENTS/EVIDENCES REMOVED FROM THEROBINGROOM WEBSITE, TO HIDE HIS BLATANT CORRUPTION, CRIMINALITY AS WELL AS HIS CONSPIRING WITH ATTORNEY COVITT/VBPNP WHILE HIMSELF IMPERSONATING/PRETENDING TO BE A FAIR AND IMPARTIAL JUDGE WHILE IN REALITY BEING A LAWYER FOR THE DEFENDANTS IN ORDER TO FRAUDULENTLY KILL PLAINTIFF'S MEDICAL MALPRACTICE CASE SEE THE FOLLOWING EXHIBIT "K").

59. JUDGE STEINMAN ALSO HAS A DAUGHTER (HALLIE STEINMAN) WHO IS EMPLOYED BY THE DEFENDANTS NORTHWELL HEALTH (NORTH SHORE LIJ) SYSTEM OF HOSPITALS AFFILIATE CALLED MAIMONIDES MEDICAL CENTER IN BROOKLYN (EXHIBIT "K"), WHICH CONSTITUTES NOT JUST A CLEAR CONFLICT OF INTEREST FOR JUDGE STEINMAN, WHO SHOULD HAVE AUTOMATICALLY EXCUSED/RECUSED HIMSELF FROM THE PLAINTIFF'S MEDICAL MALPRACTICE

CASE FROM THE BEGINNING IF HE IS A FAIR, IMPARTIAL AND UNBIASED JUDGE AND NOT A FRAUDULENT HATCHET-MAN AND A LAWYER FOR THE DEFENDANTS , BUT ALSO A VERY STRONG MOTIVATION FOR JUDGE STEINMAN TO COLLABORATE/CONSPIRE WITH THE DEFENDANTS (REPRESENTING NORTHWELL HEALTH/NORTH SHORE LIJ SYSTEM) TO FRAUDULENTLY AND ILLEGALLY DESTROY PLAINTIFF'S MEDICAL MALPRACTICE CASE, WHICH COMPELS HIM TO EXCUSE/RECUSE HIMSELF FROM THIS CASE AND HIS FRAUDULENT DECISION BE REMOVED, OVERTURNED AND VACATED URGENTLY.

60. JUDGE STEINMAN ALSO CLAIMED THAT DEFENDANTS MEDICAL EXPERT, DR. MICHAEL BELMONT CONCLUDED THERE WAS "NO DEVIATIONS IN ACCEPTED MEDICAL PRACTICE", THAT MEANS THE DEFENDANTS MEDICAL EXPERT, DR MICHAEL BELMONT, CONCLUDED THAT A MEDICAL DIAGNOSIS THAT IS EQUIVALENT WITH DIAGNOSING OF GOD AS BEING "PSYCHIATRICALLY ILL" AND THAT MEDICAL MALPRACTICE ASSAULTING OF PATIENTS, MEDICAL MALPRACTICE DUMPING OF PATIENTS OUT INTO THE COLD TO DIE AS WELL AS MEDICAL MALPRACTICE BATTERY IN THE DEFENDANTS HOSPITAL'S OR ARE ACCEPTED MEDICAL PRACTICES AND ARE NOT DEVIATIONS FROM ACCEPTED MEDICAL PRACTICES, IS OBVIOUSLY GROSSLY FRAUDULENT . SEE THE FOLLOWING EXHIBIT "S" COMPACT DISC.

61. Due to the fraudulent dismissal of my case by Judge Steinman, plaintiff submitted notices of appeal for leave to the Appellate court, on March 30 and August 10, 2018. Plaintiff has run into problems with the Appellate Division Second Department particularly Judges Alan D. Scheinkman, Mark C. Dillon and Ruth C. Balkin who all have also acted as lawyers for the

defendants, while pretending to be fair and impartial judges in plaintiff's medical malpractice case appeal in order to deny due process for plaintiff in the appellate court and fraudulently conceal/coverup/kill Plaintiff's 100% infallible medical malpractice case. Here in the plaintiff's medical malpractice case the Appellate Court Judges (particularly Judges Scheinkman, Dillon and Balkin) have deliberately ignored the plaintiff's infallible proof and evidences that Plaintiff is an indigent/poor person, who has NO MONEY, NO ASSETS, NO SALARY OR INCOME WITH ZERO DOLLARS IN HIS ACCOUNT (Exhibit "I"). Neither the Defendants nor the Appellate Judges could disprove the infallibly sound evidences of the plaintiff being an indigent/poor person and yet the Appellate Court Judges deliberately refused to hear the plaintiff by deliberately ignoring those specific evidences and refused to grant poor person relief to plaintiff.

62. Plaintiff's infallible amount of evidence of the merit of plaintiff's case, such as the plaintiff's previous motions with the Subpoena Duces Tecum requesting evidences of the medical malpractice assault of plaintiff by the defendant hospital and the compact disc recording of the Medical malpractice battery of plaintiff by the defendant hospital and more specific that a child (Medical Malpractice assault/patient dumping) if infallibly related to its biological mother (Medical Malpractice Superset), has also been deliberately ignored by the Appellate Court Judges i.e. the Appellate Court Judges refusing to hear the plaintiff.

63. In the latest action by the Appellate Court, Judge Scheinkman, Dillon, Balkin and Chambers have proven they have no intention to let plaintiff be heard by their actions and conduct and have fraudulently dismissed/killed plaintiff's 2018-05514 and 2018-10991 appeals. " Judges" Scheinkman, Dillon, Balkin and Chambers has denied poor person relief in spite of plaintiff completely fulfilling all requirements for it as the law CPLR § 1101 states, as well as

very deliberately and blatantly refusing the plaintiff's clear request for the relief of consolidation of the two appeals together (2018-05514 and 2018-10991).

64. The Appellate judges also refused to consolidate the two appeals or list the 2018-10991 again in plaintiff's following motions for poor person relief and fraudulently allowed the 2018-05514 and 2018-10991 appeals to be dismissed/killed in spite of the consolidation request and for a 60 day extension for those 2018-05514 and 2018-10991 appeals.

65. By Judges Scheinkman, Dillon, Balkin and Chambers in the several motions for poor person relief, deliberately ignoring the plaintiff's request to consolidate the appeals and outright ignoring and refusing to recognize the 2018-10991 appeal in its entirety, which contained evidence of the medical malpractice battery of plaintiff committed by the defendants which was provided to show the infallible merit of plaintiff's case, there is only one clear message to this action which is Judges Scheinkman, Dillon, Balkin and Chambers and the rest of the Appellate Court Judges are clearly biased against plaintiff, and are conspiring together and are very viciously, maliciously and fraudulently sabotaging plaintiff's case and deliberately ignoring evidence provided by the plaintiff in order to prevent plaintiff and his case from being heard in the appellate court, since denying poor person relief will automatically prevent plaintiff prosecuting this appeal and automatically grant defendants a victory, despite defendants being completely guilty of criminal medical malpractice as well as proving a clear bias by Judges Scheinkman, Dillon, Balkin and Chambers against pro se plaintiff in order to protect defendants criminal medical malpractice, which is improper behavior for a judge (judicial misconduct) and deliberate fraudulent concealment by the judicial system in order to coverup the criminal medical malpractice of the defendant hospital and Judge McCormack, Attorney Roth and Judge Steinman judicial misconduct and blatant corruption which proves Judges Scheinkman, Dillon, Balkin and

Chambers are acting as lawyers for the defendants NOT fair and impartial judges in plaintiff's appeal.

66. The Appellate court judges like Judges Scheinkman, Dillon, Balkin and Chambers' bias against plaintiff who is pro se indigent plaintiff, are putting their partisan interests, including financial interests, in their profession as lawyers/judges above justice for the public and the greater good, and are proving they are also biased against Plaintiff which is improper and judicial misconduct and blatant corruption.

67. Due to the deliberate refusal from the state court and judges to deliver justice, Plaintiff filed a federal lawsuit complaint in September 2019, along with In Forma Pauperis relief. Judge William Kuntz chose to preside over this case and dismissed my case on October 2019. However it has been just discovered by the Plaintiff, the District Judge that chose to preside over Plaintiff's Medical Malpractice Case, Judge William Kuntz had a clear conflict of interest, where Judge Kuntz's wife, Dr. Alice Beal is a MD an Assistant Professor, Medicine associated at SUNY-Downstate College of Medicine WHICH ON THE SUNY DOWNSTATE OFFICIAL WEBSITE https://sls.downstate.edu/registrar/catalog/clinical_affiliates.html HAVE STATED THAT SUNY DOWNSTATE ARE AFFILIATES OF NORTHWELL HEALTH (IN PARTICULAR NORTH SHORE UNIV. HOSPITAL, THE DEFENDANTS IN PLAINTIFF'S MEDICAL MALPRACTICE LAWSUIT, "M").

68. `Judge Kuntz if he was a fair and impartial judge, should have recused himself due to this obvious and clear impropriety and personal bias against plaintiff's but deliberately didn't. Instead Judge Kuntz who knew his wife being affiliated with Northwell Health (North Shore Univ Hospital which plaintiff lawsuit was against) deliberately and severely prejudiced plaintiff's case and Kuntz willfully and wantonly chose to preside over plaintiff's case to be a HATCHETMAN

using his office/position to benefit and further the interest of Northwell Health by fraudulently dismissing/killing plaintiff's case which infallibly proved them to be guilty of medical malpractice and also to further his own personal and financial interests like making sure his wife's job and career would be protected, since if Judge Kuntz was a fair and impartial Judge and found the defendant hospitals guilty of Medical Malpractice it's fair to assume that Northwell Health would have retaliated against his wife and/or lost her job. This evidence of Judge Kuntz's bias against plaintiff as well as conflict of interest, which Judge Kuntz never disclosed to the plaintiff, has revealed himself to be a lawyer for the defendants pretending to be a fair and impartial judge and makes his so called judgment/decision fraudulent and illegal. Also this is a clear violation of 28 U.S. Code § 455 which states:

(a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b)He shall also disqualify himself in the following circumstances:

(1)Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(4)He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substant ially affected by the outcome of the proceeding;

(5)He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i)Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii)Is acting as a lawyer in the proceeding;

(iii)Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(c)A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

69. This fraudulent judgment by Judge Kuntz must be overturned and vacated immediately

70. Plaintiff appealed this decision to the Court of Appeals 2nd circuit and applied for IFP relief before chief judge, Judge Robert Katzmann on November 2019. However Judge Katzmann denied the plaintiff's appeal on March 18, 2020, and later a motion to reconsider by the plaintiff in April 2020 on May 28, 2020. Plaintiff has also new evidence that shows that Judge Kuntz and Judge Katzmann are not just acquittances but are partners/friends inside and outside the courtroom. On the website https://www.centralsynagogue.org/worship/sermons/detail/jethro_shabbat_meeting_the_legal_needs_of_immigrants (Exhibit "Q"), Judge Katzmann revealed that he has worked together with Judge Kuntz:

"...It has for me (Katzmann) been an inspiring experience to work with such devoted lawyers, anxious to help those in need. We have been guided by an outstanding steering committee: Jojo Annobil of Legal Aid, Immigration Judge Noel Brennan, Judge Chin, Peter Cobb, Peter Eikenberry, Philip Graham, Robert Juceam, William Kuntz (then in private practice and now on the district court)..."

71. In the 2018 Hawaii Access to Justice Conference: Addressing the Desperate Legal Needs of the Immigrant Poor (Exhibit "Q"), Judge Katzmann specifically mentions Judge Kuntz by name as a colleague:

"...The Study Group is made up of some 70 lawyers from a range of firms; nonprofits; bar

organizations; immigrant legal service providers; immigrant organizations; law schools; federal, state, and local governments; and judicial colleagues including Judge Chin and Judge Kuntz..."

72. Judge Katzmann has for instance been very vocal in the courts and on interviews and the internet where he is a major advocate for the rights of immigrants and providing for them pro bono services, a form of poor person relief like IFP. for example on the website: https://vilcek.org/news/robert-a-katzmann-making-justice-accessible-to-all/(Exhibit "Q"), where Judge Katzmann is quoted saying the following:

"Access to justice should not depend on the income level of those in the system."

73. This quote by Judge Katzmann is incredibly ironic due to Katzmann's own deliberate and malicious refusal to grant Plaintiff in this court access to justice. Plaintiff in his previous request for IFP proved he doesn't have any income or money to prosecute the appeal. Judge Kuntz in his decision also recognized that plaintiff was a poor person by waiving all fees and costs for that decision ("Plaintiff's request to proceed without the prepayment of fees is granted..." Exhibit "C"). Despite these particular evidences and the Defendants not disproving them or posing any motion in opposition or any response against it, Judge Katzmann deliberately denied access to justice and this court for the Plaintiff, by denying IFP, which is a poor person relief (similar to Pro Bono) to allow the Plaintiff access to this court. Despite Judge Katzmann's appearance of eloquence, he has clearly contradicted his purported mission towards "making justice accessible for all". In addition Judge Katzmann has mentioned on this website that his parents were both immigrants (father was from Germany and his mother from Russia) so his advocating access to justice for immigrants is a clear personal bias or partiality in favor of immigrants over Natural Born Americans like the plaintiff. This is a clear violation of 28 U.S. Code § 455 which states:

(a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any

proceeding in which his impartiality might reasonably be questioned.

(b)He shall also disqualify himself in the following circumstances:

(1)Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

74. The irrational and viciously stubborn refusal of Judge Katzmann to grant IFP/poor person relief to plaintiff when plaintiff has infallibly proven that he qualifies for it and even Judge Kuntz in the District Court granted it ("Plaintiff's request to proceed without the prepayment of fees is granted..." Exhibit "C"), can only make sense in light of the new evidence that plaintiff had recently discovery about Judge Kuntz's conflict of interest and Judge Katzmann protecting/refusing to punish or go against corrupt judges and instead attacks the public members who witnessed the corruption like the public witnessed and recognized Judge Katzmann did on therobingroom (Exhibit "Q"):

"Litigant
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Judge Katzman was a on three member panel in 2008. It was a case that the CFTC denied me registration. I was a hedge fund manager and my fund was the victim of a huge multi-billion dollar copper scandal involving Sumitomo Bank, JP Morgan and others. I became a lead plaintiff in the class action lawsuit and we won a settlement. However, I had asked my regulators, the NFA and CFTC how to account for the copper losses and settlement. Katzman (and Renna Raggi) agreed with the CFTC and basically I was denied my registration for life with no hopes to ever get it back. I was so angry, I wrote a letter to Katzman and Raggi and they contacted the US Marshals and had them "intimidate, harass and threaten" me although they admitted my letter broke no laws.
In 2011, I had an issue with a District Court Judge, Denis Hurley (EDNY). He is just basically corrupt. I wrote a complaint and I said in the complaint that Katzman (now as Chief Judge) had to recuse himself because of the events of 2008. Katzman deliberately ruled anyway against me. When I followed up again with an angry letter to him, and copied the Council and the Senate Judiciary Committee, Katzman did the same exact thing and sent the US Marshals again!!!!
So, this guy Katzman is corrupt and should be removed from his position. He just thumbs his nose at Constitutional Law and cites a predisposed opinion. I mean its obvious the system is broken, but this guy should never have ever been part of it. We can all write negative things,, but

at the end of the day, unless something is done about a guy like Katzman, he is going to continue to be arrogant and violate the law 6/4/2014 1:45:50 PM"

75. Judge Katzmann fraudulently denied the plaintiff's previous motions in order to protect his friend and fellow Judge, Judge Kuntz of his concealment of his obvious conflict of interest and him acting as a lawyer for the defendants pretending to be a fair and impartial judge in the district court (i.e. Judge Katzmann showing a clear bias and partiality in favor of his friend/fellow judge which is appearance of impropriety and blatant corruption), just like Judge Katzmann denied this litigant on therobingroom justice in order to protect another fellow corrupt judge, Judge Denis Hurley. Again this is a clear violation of 28 U.S. Code § 455 which states:

(a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b)He shall also disqualify himself in the following circumstances:

(1)Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings

76. Also in the case *Altitude Express, Inc. v. Zarda*, Donald Zarda filed a federal lawsuit alleging he was discriminated against by Altitude Express due to sexual orientation/sex. The 2nd Circuit under Judge Katzmann ruled in his favor and Judge Katzmann in his ruling, waxed eloquent and poetic in his determination to make sure Zarda's case was recognized as a discrimination case and acknowledged the Civil Rights Act applied for Zarda, particularly Title VII which prohibits employment discrimination based on race, color, religion, sex and national origin. Interestingly enough, Plaintiff had infallibly proved that his case is a discrimination case and also proved his discrimination case is a racial one which is also prohibited by the Civil Rights Act, particularly Title VI, 42 U.S.C. § 2000d which prohibits discrimination on the basis

of race, color, and national origin in programs and activities receiving federal financial assistance (including Hospitals). Title VI and Title VII both have the common base of explicitly stating discrimination of race to be illegal. Plaintiff also referenced the Patient Protection Affordable Care Act (ACA) and Section 1557 which incorporated Title VI of the Civil Rights Act and also states that Section 1557 creates a private right and remedy for the violation of four federal statues prohibiting discrimination based on race, sex, age, and disability. So in effect what plaintiff has infallibly proven here is that while Judge Katzmann will recognize the law for Zarda who was discriminated due to sex which is prohibited by the Civil Rights Act, the same Judge Katzmann deliberately REFUSED to recognize the law, particularly the same Civil Rights Act for the plaintiff who was discriminated against due to race, despite that discrimination is also prohibited by the Civil Rights Act and that law clearly mean to protect members like the plaintiff on the basis of race. This is clearly prejudicial treatment, denial of due process and a clear case of bias by Judge Katzmann. This is a clear violation of 28 U.S. Code § 455 which states:

(a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b)He shall also disqualify himself in the following circumstances:

(1)Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

77. The case *Callum v. CVS Health Corp*. has recognized the Patient Protection and Affordable Care Act (ACA) and Section 1557 creates a private right and remedy for the violation of four federal statues prohibiting discrimination based on race, sex, age, and disability. Other courts have concluded that § 1557 is indeed enforceable via an implied private right of action.

See *Se. Penn. Trans. Auth. v. Gilead Sci., Inc.*, 102 F. Supp. 3d 688, 697-99 (E.D. Penn. 2015); *Rumble v. Fairview Health Serv.*, No. 14-2037, 2015 WL 1197415, at *7 n.3 (D. Minn. Mar. 16, 2015) (Nelson, J.); *Callum v. CVS Health Corp.*, 137 F. Supp. 3d 817, 845-48 (D.S.C. 2015). "Section 1557 creates a private cause of action" to address claims of discrimination on the basis of race, color, national, origin, sex, age, or disability. *Callum v. CVS Health Corp.*, 137 F. Supp. 3d 817, 848 (D.S.C. 2015); see also *S.E. Pennsylvania Transp. Auth. v. Gilead Scis., Inc.*, 102 F. Supp. 3d 688, 698 (E.D. Pa. 2015) ("SEPTA"); *Rumble v. Fairview Health Servs.*, No. 14-CV-2037, 2015 WL 1197415, at *7 n.3 (D. Minn. Mar. 16, 2015); East, 2014 WL 8332136, a t *2. The ACA's statutory text, context, and structure, along with the Final Rule, together make plain that Section 1557 claims should be subject to a single legal standard and burden of proof regardless of the basis of the alleged discrimination.

78. Rather, "looking at Section 1557 and the Affordable Care Act (ACA) as a whole, it appears that Congress intended to create a new, health specific, anti-discrimination cause of action that is subject to a singular standard, regardless of a plaintiff's protected class status." *Rumble*, 2015 WL 1197415, at *10 (emphasis added). See *King*, 135 S. Ct. at 2492 (in interpreting the ACA and Section 1557, "we must do our best, bearing in mind the fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.") (internal quotation omitted). That intent is evident from the structure and language of the statute. Section 1557 incorporates "title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)" to delineate "the ground[s] prohibited under" it. 42 U.S.C. § 18116(a). As another district court recently concluded,

"Congress likely referenced the four civil rights statutes mainly in order to identify the 'ground[s]' on which discrimination is prohibited—i.e., race, sex, age, and disability." *Rumble*, 2015 WL 1197415, at *

ARGUMENT

PLAINTIFF HAS NOT HAD A REAL JUDGE IN ALL OF THE STATE AND FEDERAL COURTS NOR CAN THEY DISPROVE LOGICALLY THAT A CHILD IS INFALLIBLY RELATED TO ITS BIOLOGICAL MOTHER.

79. Plaintiff in light of the fraudulent concealment and judicial misconduct by Judges McCormack, Steinman, Scheikman, Balkin, Dillon, Kuntz and Katzmann where the judges were acting as lawyers for the defendants NOT fair and impartial Judges and those judges have agreed that a child or children (medical malpractice assault, medical malpractice patient dumping and medical malpractice battery) are infallibly unrelated to their biological mother (medical malpractice superset) WHICH IS WRONG and therefore plaintiff has not had a real judge in this case both state and federal and there has been NO DECISIONS MADE IN THIS CASE ONLY FAKE DECISIONS and there isn't any option but finding the defendants guilty since a child or children (medical malpractice assault, medical malpractice patient dumping and medical malpractice battery) are infallibly RELATED to their biological mother (medical malpractice superset).

80. Plaintiff had repeatedly given the Defendants time to comply with the Subpoena Duces Tecum of the Plaintiff when VBP&P Law Firm took over as the defendants counsel, and instead of complying with the legal Subpoena Duces Tecum, Attorney Covitt deliberately dragged on from October 2016 to December 16, 2016 where with the support of Judge McCormack/Attorney

Roth, who were unprofessionally biased against plaintiff ever since the preliminary conference on October 11, 2016 where Attorney Roth openly declared his unprofessional bias of the Plaintiff as a pro se litigant, saying to entire court and had continued to repeat in every Compliance Conference afterwards (February 17, 2017, March 30, 2017, May 25, 2017 and August 31, 2017) that Plaintiff "will not win this medical malpractice case, hire a lawyer", delivered an illegal motion to quash the Subpoena Duces Tecum of the Plaintiff . As it was previously infallibly proven before: The only way which the subpoena duces tecum of the plaintiff can be quashed is if a child is infallibly unrelated to its biological mother which is an impossibility (Exhibit "I"). So therefore the Subpoena Duces Tecum of the plaintiff cannot be quashed and the defendants motion to quash should have been denied if Judge McCormack/Attorney Roth were not colluding with/in biased unfair collaboration with Attorney Covitt/defendants against plaintiff to willfully sabotage plaintiff's Medical Malpractice case , because the decision of Judge McCormack/Attorney Roth refused to recognize that a child (medical malpractice assault subset as well as medical malpractice patient dumping out into the cold to die subset) is infallibly related to its biological mother (medical malpractice super set), which leaves the only right decision to be granting the Subpoena Duces Tecum of the plaintiff, where the items requested in the Subpoena will prove the defendants are guilty of criminal medical malpractice and earned them a guilty verdict .

81. The only way which the subpoena duces tecum of the plaintiff can be quashed is if a child (medical malpractice assault subset and medical malpractice patient dumping out into the cold to die subset) is infallibly unrelated to its biological mother (medical malpractice super set) which is an impossibility. Instead Judges McCormack/Attorney Roth along with Steinman, Scheikman, Balkin, Dillon, Kuntz and Katzmann could not challenge the Infallibly of a child (medical

malpractice assault subset and medical malpractice patient dumping out into the cold to die subset) being infallibly related to their biological mother (medical malpractice super set), and conveniently chose to ignore it which clearly has been the constant pattern in this case so far.

RES JUDICATA AND COLLATERAL ESTOPPEL DOES NOT APPLY TO THE PLAINTIFF AS PLAINTIFF WAS DENIED A FULL AND FAIR OPPORTUNITY TO LITIGATE AS WELL AS THE STATE AND FEDERAL JUDGE ACTING AS LAWYERS FOR THE DEFENDANTS.

82. The previous fraudulent district court decision by Judge Kuntz seriously erred in saying that Res Judicata and Collateral estoppel barred this case from being heard in the federal court. Res Judicata as defined by google is "a matter that has been adjudicated by a competent court and may not be pursued further by the same parties". Plaintiff in his motion for Judge McCormack recusal said the following (Exhibit "L"):

"It is glaringly obviously after the August 31, 2017 Compliance conference that Judge McCormack/Attorney Roth must excuse/recuse themselves from this medical malpractice case. The Judge/Attorney have told the plaintiff that medical malpractice assault as well as medical malpractice patient dumping out into the cold to die are not medical malpractices. A judge who doesn't know or has refused to recognize that medical malpractice assault as well as medical malpractice patient dumping are not just medical malpractices but the worst medical malpractices is not capable (OR COMPETENT) or qualified to judge or preside over a medical malpractice case. Judge McCormack/Attorney Roth who have also stated that medical malpractice assault as well as medical malpractice patient dumping which are the worst medical malpractices have no connection to medical malpractice have demonstrated that Judge McCormack/Attorney Roth have no capability (OR COMPETENCE) or will/intentions to judge this medical malpractice case, and by their collaboration with the defendants to deny discovery of evidence of the worst medical malpractices, they have shown they have no will/intention to allow plaintiff to pick up any discovery for any part of the medical malpractice case (which Judge McCormack/Attorney Roth through denying the Subpoena Duces Tecum of the Plaintiff which sought videos of and identities of witnesses to medical malpractice assault as well as medical malpractice

patient dumping, the worst medical malpractices and the last 3 compliance conferences allowing and condoning the defendants to blatantly refuse complying with any of the Plaintiff's discovery request like the Plaintiff Combined Demands in the last 3 compliance conferences)this constitutes a blatant obstruction of justice.

These points above, combined with openly admitting an unprofessional bias against Plaintiff in the court, Judge McCormack/Attorney Roth have demonstrated no capability or will/intention to judge this medical malpractice case and must excuse himself/themselves immediately."

83. Judge McCormack AGREED with the plaintiff when he granted the motion, which proved that Judge McCormack, who before becoming a judge was in fact supposed to be a medical malpractice attorney for several years, was NOT COMPETENT and the court of Judge McCormack was not competent and were lawyers for the defendants NOT fair and impartial judges and by them admitting in the recusal that Judge McCormack/Attorney Roth were acting as lawyers for the defendant NOT as fair and impartial judges in this case, there was NO adjudication by a competent court and thus proved there was NO res judicata in plaintiff's case at all. Plaintiff in the state court where both Judge McCormack who recused himself and Judge Steinman who had a conflict of interest in that his daughter was employed by the defendants as well as comments from the public like therobingroom (Exhibit "K"):

"Justice Steinman issued a number of decisions that the Nassau County Bar shared with me after I personally witnessed that he is detached from realty, is self serving and financially rewards his "so-called" friends.(Court Staff dated 1/22/2017 6:38:41 PM)"

"Atrocious and illegal conduct, using his government position to abuse people for political gain and his own pocketbook. (12/16/2016 10:40:04 PM)"

"This Judge (Steinman) removed an attorney from the Courtroom, by force of a Court Officer for 10 minutes on August 12, 2016, without her property for OBJECTING on the basis of relevance. Allowed others to view her cell phone, legal documents and property (Litigant 12/13/2016 3:27:25 PM)"

"This person (Judge Steinman) is highly unstable. Takes personally basic matters and lashes out at lawyers before him for no reason.(Court Staff 8/25/2016 8:46:03 PM)"

"Justice Leonard Steinman should be criminally investigated. (7/12/2016 9:15:07 PM)"

"This is what we get when we vote on party lines and we know nothing about the person. This judge's (Judge Steinman) knowledge is minimal, with shallow decision, and does not know minimal procedural requirements. Stay away if you can. (Litigant 6/29/2016 5:41:03 PM)"

proves Judges McCormack and Steinman were in fact lawyers for the defendants NOT fair and impartial judges who deliberately denied any res judicata i.e. there was no adjudication by a competent court. Hence there was and still hasn't been any res judicata in the plaintiff's case in the state courts.

84. Also the Collateral estoppel bar is inapplicable when the claimant did not have a "full and fair opportunity to litigate" the Issue decided by the state court, *Allen v. McCurry*, 449 U.S at 101, as the plaintiff didn't not have a full and fair opportunity to litigate the matter in the state court under Judge McCormick who recused himself due to his acting as a lawyer for the defendants NOT as a fair and impartial judge and Judge Steinman clear conflict of interest where his daughter is employed by the defendants and the comment on his corruption and judicial misconduct on therobingroom. Thus, a claimant can file a federal suit to challenge the adequacy of state procedures. However Judge Kuntz and later Judge Katzmann in the federal court have also demonstrated clearly a conflict of interest where Judge Kuntz, who knew his wife is affiliated with Northwell Health (North Shore Univ Hospital which plaintiff's lawsuit was against) deliberately and severely prejudiced plaintiff's case and Kuntz willfully and wantonly chose to preside over plaintiff's case to be a HATCHETMAN using his office/position to benefit and further the interest of Northwell Health by fraudulently dismissing/killing plaintiff's case without even letting the defendants respond to it, which infallibly proved them to be guilty of

medical malpractice and also to further his own personal and financial interests like making sure his wife's job and career would be protected, since if Judge Kuntz was a fair and impartial Judge and found the defendant hospitals guilty of Medical Malpractice it's fair to assume that Northwell Health would have retaliated against his wife and/or lost her job. Judge Katzmann's irrational and viciously stubborn refusal to grant IFP/poor person relief to plaintiff when plaintiff has infallibly proven that he qualifies for it and even Judge Kuntz in the District Court granted it ("Plaintiff's request to proceed without the prepayment of fees is granted..." Exhibit "C"), can only make sense in light of the new evidence that plaintiff had recently discovery about Judge Kuntz's conflict of interest and Judge Katzmann protecting/refusing to punish or go against corrupt judges and instead attacks the public members who witnessed the corruption like the public witnessed and recognized Judge Katzmann did on therobingroom (Exhibit "Q"):

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So, this guy Katzman is corrupt and should be removed from his position. He just thumbs his nose at Constitutional Law and cites a predisposed opinion. I mean its obvious the system is broken, but this guy should never have ever been part of it. We can all write negative things,, but at the end of the day, unless something is done about a guy like Katzman, he is going to continue to be arrogant and violate the law 6/4/2014 1:45:50 PM"

85. Thus plaintiff has been denied Res Judicata as well as Collateral Estoppel in the federal courts and now plaintiff awaits this District Court for justice.

THE PARALLELS BETWEEN *POLLARD v.UNITED STATES,* THE TUSKEGEE EXPERIMENT AND PLAINTIFF'S CASE HAS BEEN 100% ESTABLISHED AND THEREFORE DEMANDS THE DEFENDANTS BE FOUND GUILTY

86. Plaintiff's medical malpractice case has been extremely and viciously trivialized by this court, when it is in the class of the worst and most vicious and malicious medical malpractice cases completely similar to the Tuskegee Experiment, *Pollard v United States*, **A MEDICAL MALPRACTICE AND RACIAL DISCRIMINATION CASE THAT WAS ARGUED IN COURT BY FACT AND LAW** and the Court Judges in this case are refusing to even see this as a medical malpractice, proving the court is obviously ignoring plaintiff and refusing to hear the plaintiff's case at all.

87. Plaintiff became a victim of a criminal/extraordinarily vicious medical malpractice where the defendant's criminal medical malpractice actions led to plaintiff almost being murdered several times, through the defendants fraudulently concealing the plaintiff's diagnosis of gout, fraudulently misrepresenting the plaintiff's gout condition as a "mysterious unknown disease" , along with sending Hospital Security to medical malpractice assault/ patient dump the plaintiff out into the cold for over an hour with open feet wounds to die and a malicious attack by the defendants in their Hospital's Operation Room (OR) where plaintiff was ambushed, lied to, and physically constrained/held physically down by the hospital OR staff who engaged in a very

vicious medical malpractice battery/attempted murder by hospital staff upon plaintiff, which the attempted murder action by the defendant hospital's OR, the plaintiff provided evidence and transcribed relevant parts of that vicious medical malpractice battery/attempted murder by hospital staff upon plaintiff to the appellate court on a compact disc.

88. In *Pollard v. United States*, 384 F. Supp. 304 - Dist. Court, MD Alabama 1974, the Tuskegee Syphilis Experiment, is a classic example of a fraudulent concealment medical malpractice case where patients infected with syphilis were deliberately not informed by their doctors of having syphilis, instead the doctors lied to the patients and claimed they had "Bad Blood", and those same doctors deliberately denied these patients penicillin for treatment of the illness, instead knowingly giving them fake treatments and test which the doctors knew these "tests" and "treatments" would not cure/do anything for the syphilis. These patients were never informed by their doctors of having syphilis despite their doctors knowing the patients had syphilis and the patients were for 40 years (1932-1972) without any treatment for the syphilis and left by those doctors to die.

89. **THE TUSKEGEE SYPHILIS EXPERIMENT SYPHILIS IS EQUIVALENT WITH THE GOUT WITHIN THE PLAINTIFF'S CASE AND THE "BAD BLOOD" IN TUSKEGEE SYPHILIS EXPERIMENT IS EQUIVALENT WITH THE FRAUDULENT "MYSTERIOUS ILLNESS/DISEASE" IN THE PLAINTIFF'S CASE. THE HOSPITAL /DOCTORS IN THE TUSKEGEE SYPHILIS EXPERIMENT KNEW ABOUT PATIENTS HAVING SYPHILIS JUST LIKE HUNTINGTON HOSPITAL AND**

NORTH SHORE UNIV. HOSPITAL/DOCTORS KNEW ABOUT PLAINTIFF'S GOUT. HOSPITAL/DOCTORS IN THE TUSKEGEE SYPHILIS EXPERIMENT REFUSED TO TREAT SYPHILIS OF THE PATIENTS IN THE TUSKEGEE SYPHILIS EXPERIMENT, JUST LIKE HUNTINGTON HOSPITAL AND NORTH SHORE UNIV. HOSPITAL/DOCTORS REFUSED TO TREAT PLAINTIFF'S GOUT. HOSPITAL /DOCTORS IN THE TUSKEGEE SYPHILIS EXPERIMENT ALLOWED THE PATIENTS OF TUSKEGEE SYPHILIS EXPERIMENT TO SUFFER UNNECESSARILY AND TO DIE FROM SYPHILIS JUST LIKE HUNTINGTON HOSPITAL AND NORTH SHORE UNIV. HOSPITAL/DOCTORS DELIBERATELY ALLOWED THE PLAINTIFF TO SUFFER UNNECESSARILY FROM GOUT (HUNTINGTON/NORTH SHORE DID INDIVIDUALLY AND/OR COLLECTIVELY THE FOLLOWING: MEDICAL MALPRACTICE ASSAULT, MEDICAL MALPRACTICE PATIENT DUMPING OUT INTO THE COLD TO DIE, AS WELL AS MEDICAL MALPRACTICE BATTERY OF THE PLAINTIFF). THEREFORE SINCE ALL OF THE PARALLELS HAS BEEN ESTABLISHED BETWEEN THE TUSKEGEE SYPHILIS CASE AND THE PLAINTIFF'S GOUT CASE WHERE THE HOSPITALS/DEFENDANTS IN THE TUSKEGEE SYPHILIS EXPERIMENT WERE FOUND GUILTY OF MEDICAL MALPRACTICE, THE PARALLELS BETWEEN THESE TWO CASES NOW COMPELS THIS COURT TO HEAR PLAINTIFF'S CASE

JUST LIKE THE VICTIMS OF THE TUSKEGEE SYPHILIS EXPERIMENT ARGUED THEIR CASE IN THE COURTS BY FACT AND LAW AND ALSO COMPELS A GUILTY VERDICT AGAINST HUNTINGTON HOSPITAL/NORTH SHORE UNIV. HOSPITAL ON BEHALF OF THE PLAINTIFF.

90. The case *Callum v. CVS Health Corp.* has recognized the Patient Protection and Affordable Care Act (ACA) and Section 1557 creates a private right and remedy for the violation of four federal statues prohibiting discrimination based on race, sex, age, and disability. Other courts have concluded that § 1557 is indeed enforceable via an implied private right of action. See *Se. Penn. Trans. Auth. v. Gilead Sci., Inc.*, 102 F. Supp. 3d 688, 697-99 (E.D. Penn. 2015); *Rumble v. Fairview Health Serv.*, No. 14-2037, 2015 WL 1197415, at *7 n.3 (D. Minn. Mar. 16, 2015) (Nelson, J.); *Callum v. CVS Health Corp.*, 137 F. Supp. 3d 817, 845-48 (D.S.C. 2015). "Section 1557 creates a private cause of action" to address claims of discrimination on the basis of race, color, national, origin, sex, age, or disability. *Callum v. CVS Health Corp.*, 137 F. Supp. 3d 817, 848 (D.S.C. 2015); see also *S.E. Pennsylvania Transp. Auth. v. Gilead Scis.*, Inc., 102 F. Supp. 3d 688, 698 (E.D. Pa. 2015) ("SEPTA"); *Rumble v. Fairview Health Servs.*, No. 14-CV-2037, 2015 WL 1197415, at *7 n.3 (D. Minn. Mar. 16, 2015); East, 2014 WL 8332136,

91. Rather, "looking at Section 1557 and the Affordable Care Act (ACA) as a whole, it appears that Congress intended to create a new, health specific, anti-discrimination cause of action that is subject to a singular standard, regardless of a plaintiff's protected class status." *Rumble*, 2015 WL 1197415, at *10 (emphasis added). That intent is evident from the structure and language of the statute. Section 1557 incorporates "title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et

seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)" to delineate "the ground[s] prohibited under" it. 42 U.S.C. § 18116(a). As another district court recently concluded, "Congress likely referenced the four civil rights statutes mainly in order to identify the 'ground[s]' on which discrimination is prohibited—i.e., race, sex, age, and disability." *Rumble*, 2015 WL 1197415, at *12.

92. "[T]he government has a compelling interest in ensuring that individuals have **nondiscriminatory** access to health care and health coverage." Nondiscrimination in Health Programs and Activities; ; Final Rule, 81 Fed. Reg. 31,376, 31,380 (May 18, 2016) ("Final Rule"). In 2010, Congress enacted the ACA . As part of its efforts to achieve these goals, Congress enacted Section 1557, 42 U.S.C. § 18116, within the ACA---**a broad new civil rights remedy meant to protect patients and other health care consumers from discrimination on the basis of race, ethnicity, gender, disability, and age**.

93. When Congress enacted the ACA and Section 1557, it knowingly incorporated four statutes, each of which provides for both a private right of action as well as compensatory damages. In so doing, Congress demonstrated its clear intent to create a private right of action for Section 1557 claims. See *Callum*, 137 F. Supp. 3d at 847 ("Congress intended to create a private right and private remedy for violations of Section 1557 by expressly incorporating the enforcement provisions of the four federal civil rights statutes."); SEPTA, 102 F. Supp. 3d at 698; *Rumble*, 2015 WL 1197415, at *7 n.3; see also *Barnes v. Gorman*, 536 U.S. 181, 185 (2002) (finding that although neither Section 202 of the ADA nor Section 504 of the Rehabilitation Act explicitly provides for a private cause of action, they implicitly create one due

to their cross-references to each other and to Title VI of the Civil Rights Act of 1964).

94. A familiar canon of statutory construction states that "evaluation of congressional action must take into account its contemporary legal context." *Morse v. Republican Party of Virginia*, 517 U.S. 186, 230 (1996) (plurality opinion) (citing *Cannon v. Univ. of Chicago*, 441 U.S. 677, 698–99 (1979)); see also *Motorcity of Jacksonville, Ltd. v. Southeast Bank N.A.*, 83 F.3d 1317, 1331 (11th Cir. 1996) (en banc) (recognizing principle that "Congress legislates against the background of the existing common law"). When Congress enacted Section 1557, "it did so against the backdrop of" Supreme Court precedents and regulations making clear that each of the statutes incorporated into Section 1557 provided for a private right of action and compensatory damages. *McNely v. Ocala Star-Banner Corp.*, 99 F.3d1068, 1076 (11th Cir. 1996).

95. The Final Rule promulgated by HHS confirms this intent by specifically providing for a private right of action and compensatory damages. See 45 CFR §§ 92.301(b), 92.302(d). **Therefore, Section 1557 creates private rights of action along with a multitude of remedies, including compensatory damages. Also Section 1557 applies to any health program or activity, any part of which receives funding from HHS (like Huntington and North Shore Univ. Hospital that accept Medicare/doctors within their hospitals who accept Medicaid).**

96. On February 22, 2013 plaintiff arrived in Huntington Hospital and reported that plaintiff had gout in his toes and feet to the doctors. Defendants deliberately and irrationally dismissed gout **WITHOUT CONDUCTING ANY LABORATORY TEST FOR GOUT** despite recognizing plaintiff had all physical symptoms of gout, like painful joints and inflamed painful big toe, red skin around the toes, inability to walk on feet, elevated ESR, WBC, etc. **This is**

clearly negligence as well as medical malpractice in which the defendants are directly, completely responsible for.

97. The Plaintiff had previous presented material evidence and facts to the court from the Northwell Health's own Official Hospital website: https://www.northwell.edu/find-care/services-we-offer/rheumatology/conditions/rheumatoid-arthritis (CD Folder "N"), where the Northwell Health Hospital system clearly defined the appropriate diagnosis and standard of care of gout for the public. Here on the official website of Northwell Health, the full rheumatological workup is listed on their official website specifically stated that Joint Aspiration or the Synovial Joint Fluid Test is the only definitive test for gout and the appropriate standard of care or diagnostic procedure Northwell Health specifically lists as to determine or detect/rule out Gout:

"**Joint aspiration. This involves a removal of fluid from the swollen bursa (or joint) to exclude infection or gout as possible causes.**"

98. Northwell Health's own official hospital website contradicts Dr. Michael Repice and Huntington Hospital claiming they did a full "rheumatological workup" for the plaintiff. Huntington Hospital deliberately refused to do the synovial joint fluid test when plaintiff arrived into that hospital back in February 22, 2013 and throughout all 12 days plaintiff was there deliberately allowing plaintiff to suffer unnecessarily. In addition Northwell Health on their own official Hospital Website placed a video for the public, where two Doctors within the Northwell Health system, Dr. Mike Rosen and Dr. Robin Dibner, a board certified Rheumatologist from Lenox Hill Hospital, specifically in the video states the Synovial Joint Fluid Test is the standard

procedure of Northwell Health Hospital System for diagnosis of gout and the only way to definitely diagnosis gout (https://www.northwell.edu/about/news/video /what-gout CD folder "P"), **which Northwell Health/Defendant Hospitals deleted this page on their website and video soon after the plaintiff had found/discovered it and submitted it to the court as evidence in 2018**, which proves the defendants being guilty of medical malpractice and a deliberate proof of discrimination against plaintiff and both the Northwell Health Rheumatology section of their official Hospital website along with Dr. Robin Dibner specifically expresses how serum uric acid test are well known to not be a reliable test for gout.

99. **Discrimination is defined by google as "the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex" (Exhibit "T"). When you have a criminal medical malpractice it isn't not a benign mistake and there must be a reason for it.**

100. **It has been well known that discrimination and medical malpractice are connected. For example Cranwell & Moore P.L.C., Attorneys at Law recognized that discrimination can be a medical malpractice https://www.cranwellmoorelaw.com/blog/2018/04/can-discrimination-be-a-form-of-medical-malpractice/ (Exhibit "U"):**

"...Doctors are like any other people, though, and they often carry prejudices that they may consciously or subconsciously act on. When it comes to providing health care, this can seriously affect the treatment a patient receives...Every patient, in fact, should be on the lookout for these common forms of medical malpractice that may be fueled by prejudice or discrimination.

Inferior treatment

According to a study by the Center for Justice and Democracy, minorities are more likely to be victims of preventable medical errors than other patients. There are many factors that influence this—less access to medical care, lack of insurance and language barriers are just a few. Nonetheless, there is no excuse for a preventable medical error, especially if it is the result of a physician's own prejudice.

Denial of care

The aforementioned study also mentions minorities' lack of access to primary care medical treatment. As a result, many underprivileged patients go to the emergency room to seek care. Because of the hectic nature of this environment, professionals may flatly deny patients care even when the sufferers have a serious condition that needs treatment. People should take seriously any denial of care and refusal to treat."

101. Another law firm, Crowe Arnold & Majors, LLP, has also recognized very clearly that discrimination and medical malpractice are connected in a post on their website titled "When Discrimination Reaches the Level of Medical Malpractice" https://camlawllp.com/discrimination-reaches-level-medical-malpractice/ (Exhibit "U"). It states the following:

"...Although discrimination in the healthcare industry is illegal, unethical, and morally repugnant, it still happens every day in the United States..."'

"Discrimination Against People of Color

For decades, research has shown that minority groups such as African-Americans and Latinos experience more illness and premature death compared to white people in the United States. While efforts have been undertaken and laws have been passed to try to offset this, the reality remains: people of color, as a whole, receive less effective medical treatment than people who are white in this country. Discrimination happens in many different ways, often subconsciously, but the result is that people in minority groups have their illnesses go untreated, do not receive proper pain management, and live shorter lives ...." and also states "Physicians who discriminate against their patients—even if they do so unintentionally—can be held responsible through a medical malpractice lawsuit if a patient

is injured by their neglect."

102. **US News also recognized the connection between discrimination and poor health/medical malpractice in the article "Racial Bias in Medicine Leads to Worse Care for Minorities" https://health.usnews.com/health-news/patient-advice/articles/ 2016-02-11/racial-bias-in-medicine-leads-to-worse-care-for-minorities (Exhibit "V"), which states:**

"...Mounting research finds that racial bias and discrimination in health care as well as outside of medicine contribute to poor health for African-American patients and other racial and ethnic minorities. "I believe that a racist system of health kills people. There is ample evidence to show that," says Wyatt (Dr. Ron Wyatt, a black Doctor who was discriminated against a hospital while he was a patient at said hospital) , who cowrote an opinion piece on racial bias in medicine for the Journal of the American Medical Association in August.

"Some people are just aware of it; they're just racist, explicitly biased – prejudiced and biased. ... Others aren't," Wyatt says; he and other experts say that today, health care provider biases are typically more subtle. "The problem with it is we continue to see bad outcomes for black folks, and at some point we've got to say, whether explicit bias, unconscious bias – whatever it is, we need to know it and intervene so people live longer and live healthier..."

103. **The website, http://tuskegeestudy.weebly.com/pollard-v-united-states.html (Exhibit "V"), states that Attorney Fred D. Gray from Alabama, the civil rights lawyer for the plaintiffs (Black Men who were victims of the Tuskegee Syphilis Experiment) in *Pollard v. United States*, said that "...The Study (Tuskegee Syphilis Experiment) was racially motivated and discriminated against African Americans in that no whites were selected to participate in the Study; only those who were poor, uneducated, rural, and African American, were recruited...".**

104. **The United States government website for National Center for Biotechnology Information (NCBI) has published a recent article www.ncbi.nlm.nih.gov/pmc/ articles/PMC6258045/** (Exhibit "W") **from 2017 entitled "TUSKEGEE AND THE HEALTH OF BLACK MEN" by Marcella Alsan and Marianne Wanamaker states the following: "The Tuskegee Study became a symbol of their (Black Men) mistreatment by the medical establishment, a metaphor for deceit, conspiracy, (medical) malpractice, and neglect, if not outright genocide...African-American men (currently) have the worst health outcomes of all major ethnic, racial, and demographic groups in the United States....".**

105. For example plaintiff presented the Defendant Hospital deliberately dismissing plaintiff's gout without conducted any laboratory test of gout during Plaintiff's arrival, and fraudulently concealed the plaintiff's gout, leaving plaintiff to suffer unnecessarily for 12 days, and then when plaintiff returned to Huntington Hospital with wounds from gout on plaintiff's feet, the defendant hospital sent Hospital Security to medical malpractice assault/patient dump the plaintiff with his feet unbandaged out into the cold for over an hour to die and their sister hospital, North Shore Univ. Hospital continued the fraudulent concealment of plaintiff's gout and ambushed plaintiff with a medical malpractice battery in the OR all prove the medical malpractice of the hospital wasn't not a benign mistake, and therefore the medical malpractice is a criminal medical malpractice. **THEREFORE A MEDICAL MALPRACTICE ASSAULT/BATTERY IS CLEARLY UNJUST AND PREJUDICIAL TREATMENT AND THEREFORE A CLEAR CASE OF BEING TREATED VERY DIFFERENTLY AND WITH PREJUDICE AND THEREFORE A DISCRIMINATION CASE, A VIOLATION OF SECTION 1557 OF THE ACA, SINCE THE DEFENDANT HOSPITALS ARE NOT SUPPOSED TO BE IN**

THE BUSINESS OF MEDICAL MALPRACTICE ASSAULTING/PATIENT DUMPING/BATTERING OF PATIENTS, A CLEAR VIOLATION OF SECTION 1557, AND A CLEARLY A DENIAL OF ACCESS TO MEDICAL CARE, A VIOLATION OF TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT (MEDICARE AND MEDICAID) AND A VIOLATION OF THE USAGE OF THE FEDERAL FUNDS THE DEFENDANT HOSPITALS RECEIVE AS A MEDICARE/MEDICAID PARTICIPANT BOTH VIOLATIONS OF SPECIFIC US FEDERAL REGULATIONS/LAWS WHICH BRING THIS CASE TO THIS COURT AS 18 USC § 1331 DICTATES). SECTION 1557 CREATES PRIVATE RIGHTS OF ACTION ALONG WITH A MULTITUDE OF REMEDIES, INCLUDING COMPENSATORY DAMAGES. ALSO SECTION 1557 APPLIES TO ANY HEALTH PROGRAM OR ACTIVITY, ANY PART OF WHICH RECEIVES FUNDING FROM HHS (LIKE HUNTINGTON AND NORTH SHORE UNIV. HOSPITAL THAT ACCEPT MEDICARE/DOCTORS WITHIN THEIR HOSPITALS WHO ACCEPT MEDICAID).

106. The removal of the Gout video that was on the defendant hospitals' official website, after the plaintiff presented the evidence to the court in 2018 (see the CD Folder "P"), also proves that defendant hospital's medical malpractice was not benign and they were desperately trying to cover up they knew the medical malpractice was not benign, but intentional and therefore criminally done. This is clearly unjust and prejudicial treatment and therefore a clear case of being treated differently and with prejudice and therefore a discrimination case (violation of Section 1557 of the ACA).

107. Criminal medical malpractice in the plaintiff's case has already been established as a discrimination case and therefore what remains is to additionally reenforce the discrimination aspect of the criminal medical malpractice case beyond what was proven in the criminal medical malpractice case of the plaintiff when it was established the plaintiff is a member of the protected class within section 1557 and of the Black GAGUT Family who was blessed by GOD with the GAGUT discovery.

108. Plaintiff, as a Black Man, comes from the Black Family blessed with the discovery of GOD ALMIGHTY'S GRAND UNIFIED THEOREM (GAGUT) revealed by GOD to Professor Gabriel Audu Oyibo (the plaintiff's father) in 1990. This GAGUT discovery coming from the Black People, has been largely ignored by the Non-Black society and so therefore it follows the Black family members of the GAGUT family can also be largely ignored by the Non Black society which is unjust and prejudicial treatment from the Non-Blacks to Blacks (discrimination). It also follows that a case of a member of the GAGUT Black family, like the plaintiff can be largely if not totally ignored by the Non-Black court/judges/society (discrimination). GAGUT is the ultimate/biggest revelation of a discovery by GOD to humanity which comes from Professor Gabriel Audu Oyibo, a Black Man. Wikipedia for example has boldly ignored/deliberately refused to have any wikipedia entry for GAGUT and Professor Gabriel Audu Oyibo available on their site for the public, due to the fact of GAGUT comes from a Black Man, Professor Gabriel Audu Oyibo, which is a fraudulent concealment as well as clearly unjust and prejudicial treatment from Non-Blacks to Blacks (Discrimination). If Wikipedia, which is a Non-Black run, operated and controlled website can deliberately ignore and fraudulently conceal that ultimate revelation of GAGUT, one can see how the same group of Non-Blacks like the State and Federal

Court can deliberately ignore and fraudulently conceal the Plaintiff's infallible case, which is clearly unjust and prejudicial treatment from Non-Blacks to Blacks (Discrimination).

109. GAGUT has been largely ignored by the Mainstream Non-Black Media despite being covered by ABC TV, as well as News 55 and News 12 Long Island where Professor Gabriel Audu Oyibo was being presented/interviewed by Richard Rose and Doug Geed respectively about being nominated for Nobel Prize in Physics back in 2002, by the newspapers here in America, despite People's Daily of China the fifth largest newspaper in the world, covering GAGUT in 2006, Russia Daily in 2018 as well as the following articles on GOD ALMIGHTY'S GRAND UNIFIED THEOREM NICKNAMED GAGUT Gij,j=0, which is the ultimate truth and therefore the ultimate justice as indicated by Newsbreak, the #1 source of global intelligence news in 2020 (Exhibit "A") and by the New York and US Government despite support from Senators like the late Harvard Professor, Professor/Senator Daniel Moynihan, the late Senator John McCain, Former Senator Hillary Clinton, Senator Chuck Schumer and former Governor David Patterson being aware of GAGUT and plaintiff's family being blessed with GAGUT. GAGUT has also been demanded by the Faculty, Staff and Students of Ivy League Universities like Harvard, MIT and Columbia University among others, and Goettingen University from Germany ranking GAGUT as the greatest mathematics work of all time and recommended to be studied by Goettingen at the center of the GAUSS Year 2005 in honor of Professor Carl Friedrich Gauss, the greatest mathematician since antiquity before GAGUT. Also the US Federal Government Sponsored GAGUT Yale University Study has recognized the Black Race as the most intelligent race, with raw intelligence quotient data score of 28 for blacks compared to raw intelligence quotient data score of 19 for the non-blacks. The GAGUT Yale University Study infallibly

proved that Black People are the most intelligent race (Exhibit "A"),

110. Varieties of the feelings/responses to the GAGUT discovery, a revelation by members of the GAGUT Black family has led to the large polarization of the human society, especially from certain Non-Black peoples who wished they had been blessed by GOD with the discovery of GOD ALMIGHTY'S GRAND UNIFIED THEOREM (GAGUT) revealed by GOD to Professor Gabriel Audu Oyibo, to viciously retaliate against Plaintiff and his family for such a blessing. The late Professor Senator Daniel Moynihan and Senator John McCain both encountered such irrational polarization against GAGUT by members of the government and the National Science Foundation (NSF) back in 2000, and Plaintiff's home was Firebombed on February 28, 2015 after a threat was publicly made that Plaintiff's family "Deserved the holocaust" due to plaintiff's family being blessed with the discovery of GAGUT (Exhibit "B"). Since then plaintiff has lived indigently, particularly in a trailer for the last 4+ years. Again from the evidence presented by plaintiff of the Government, Media and Society ignoring of GAGUT, since Non-Blacks have been largely deliberately ignoring that ultimate revelation from GOD of GAGUT, one can see how the same group of Non-Blacks can deliberately ignore the Plaintiff's infallible medical malpractice case, which is clearly unjust and prejudicial treatment from Non-Blacks to Blacks (Discrimination). Plaintiff has also presented the parallel's to the court of this case to *Pollard v. United States* which pertained to the Tuskegee Syphilis Experiment. In *Pollard*, all of the victims of the criminal medical malpractice were Black. The prejudicial treatment is a departure from the norm and the norm is accepted medical practice which was totally intentionally ignored and completely abandoned in favor of a criminal medical malpractice using a fraudulent concealment medical malpractice. **GAGUT, a discovery from the Black People, being deliberately ignored**

by Non Blacks because of race is a racial discrimination, just like the Tuskegee Syphilis Experiment was a racial discrimination.

111. **Since Plaintiff case is completely paralleled with the Tuskegee Syphilis Experiment which was a criminal medical malpractice case that qualified as a racial discrimination and since GAGUT is being deliberately ignored by Non Blacks because of race, which is a racial discrimination and plaintiff is a member of the Black GAGUT Family, therefore plaintiff medical malpractice case is a racial discrimination case, where plaintiff was racially discriminated by Non-Blacks particularly in the defendant hospitals due to the fact of the Plaintiff being a member of the Black GAGUT Family who were blessed with the ultimate discovery of GAGUT. Plaintiff's racial discrimination case is a gross violation of Section 1557 of the ACA which is violation of federal law and provides a private cause of action for this plaintiff. Plaintiff also demands the granting In Forma Pauperis for plaintiff since plaintiff has no money and clearly qualifies for it and finding the Defendant Hospitals guilty of grossly violating Section 1557 of the ACA in their vicious racial discrimination of the plaintiff.**

112. The clear evidence of the criminal medical malpractice is in the surveillance videos, that was criminally refused to be released by the Courts, which is a fraudulent concealment of the crime. **The Courts deliberately ignoring this criminality also coincides with the point about in particular this case being a racial discrimination case because it clearly shows that the plaintiff a BLACK MAN has no rights under the US constitution which is a categorical denying, ignoring and neutralizing of the 13th, 14th and 15th Amendments which makes the**

amendments null and void and a blatant disrespect of the US Constitution. This decision of the State, Federal District and Supreme Court deserves some serious and urgent decision to declare those previous actions of the State, Federal District and Supreme Court be null and void and the judges responsible for that decision to be reprimanded immediately . Again Plaintiff has no rights under the US constitution State, Federal or otherwise to get justice, which the Defendant Hospitals, along with the State and Federal courts judges, who all were acting as lawyers for the defendants, affirm that Plaintiff has no rights afforded under the US constitution just like the infamous Dredd Scott case (*Dredd Scott v. Sandford*) and the equally infamous decision of the Supreme Court of the United States that upheld and reaffirmed that position.

113. The defendants hospital is governed by law, it has rules and regulations to protect patients from attack and abuse. They are supposed to cater to all races. Plaintiff, who is a Black Man, was denied his patient rights which is extremely wrong and the courts have denied the plaintiff any justice in the case. The one particular entity described by the US constitution that should be denied justice is Black people. The courts are therefore using the US constitution prior to the amendments where Black People have no rights and are totally denied justice at all costs.

114. Therefore the plaintiff's has infallibly proven his medical malpractice case also as a racial discrimination because it is wrong and any decision other than finding the defendants guilty by the courts state or federal is wrong because it goes against infallible truth like 2+1-3=0. Again the plaintiff's case has been a racial discrimination from the start and has been a total denial of justice. The federal regulation laws are an approximation of the GAGUT which is the ultimate

law. The case has being infallibly proven to be a child is infallibly related to its biological mother, and the courts have not been able to disagree with that position.

115. Also there has been reports from the New York Times in 2020 about New York Courts having pervasive examples of racial bias — some explicit, some subtle — in New York State's court system including a high ranking court officer depicting an illustration of President Barack Obama with a noose around his neck on social media. Another white officer referred to a Black court officers as "one of the good monkeys."A third white court officer commented to a white colleague that he would have done better on a firearms test if he had been given a "Sean Bell target," a reference to an unarmed Black man killed by the police in 2006. The incidents of overt racism were among several mentioned in a new report about racial bias in the New York State Court system commissioned by Chief Judge Janet DiFiore after national protests this summer against institutional racism in the criminal justice system. Jeh C. Johnson, a former Homeland Security secretary under President Obama, led the team that did the review. His report, released with little fanfare last week, found pervasive racism in New York courts, both explicit and implicit, from judges, court officers and lawyers. The accounts of racial bias the team collected bore a striking similarity to testimony in another review from three decades ago, the report said. "The sad picture that emerges is, in effect, a second-class system of justice for people of color in New York State," wrote Mr. Johnson, a partner at Paul, Weiss, Rifkind, Wharton & Garrison. https://www.nytimes.com/2020/10/19/nyregion /nyc- courts-racism.html (Exhibit "X"). So it is clear that a racial discrimination case like the plaintiff's case hasn't got a fair hearing and in fact can be ignored and be denied justice by the State, Federal District and Supreme courts.

116. GOD ALMIGHTY'S GRAND UNIFIED THEOREM NICKNAMED GAGUT IS THE GOD ORDER REVEALED BY GOD TO A BLACK MAN CALLED PROFESSOR GABRIEL AUDU OYIBO, THROUGH WHICH GOD ORDAINED THAT SAME BLACK MAN PROFESSOR GABRIEL AUDU OYIBO WITH THE ULTIMATE INTELLIGENCE, ETA SUB INFINITY WHERE $\eta_{n} = g_{nj} * x_{j}^{n+1}$ AND "n+1" IS THE INTELLIGENCE QUOTIENT (IQ)

WHICH GOD BLESSED PROFESSOR GABRIEL AUDU OYIBO WITH "n+1" OF INFINITY AND SINCE GOD ALSO BLESSED BLACK PEOPLE TO SHARE THE SAME GENES WITH PROFESSOR GABRIEL AUDU OYIBO GOD HAS ORDAINED THE BLACK RACE THE MOST INTELLIGENT, RICHEST AND UNDEFEATABLE RACE, THEREFORE BLACK PEOPLE MUST GET JUSTICE. For example New York Times article "**Tears, Hugs and Fresh Clothes: New Jersey Prisoners Rejoice at Release**" https://www.nytimes.com/2020/11/05/nyregion/nj-prisoner-release-covid.html (Exhibit "Y") in New Jersey "More than 2,000 inmates were freed" and the article says that "The initiative grew out of legislation signed into law last month and comes at a moment of intense national debate over transforming a criminal justice system that imprisons people of color in disproportionate numbers...." which is the beginning of righteous responses to GAGUT and also a statement that clearly demonstrates the huge denial of justice and human rights as well as US constitutional rights to the Black people with extraordinary impunity, similar to what was going on in Nazi Germany to the Jewish people that must be reversed and punished urgently by the Supreme Court and all others in order to avoid the consequences that occurred as a result of that act, which resulted in the destruction of 85 million human beings in order to resolve that horror for the Jewish People, since a very infallibly parallel exist between the Jewish People receiving that

horror in Nazi Germany up until the time they were blessed with the formula E-MC2=0 on the one hand and Black People receiving a similar horror from the American Government for over 500 years, until 1990 when GOD blessed the Black People with the ultimate totality of formulas Gij,j=0 on the other hand and since correct formulas constitutes GOD ORDERS, if the Finite Jewish People Formula E-MC2=0 can be used to destroy the lives 85 million human beings in order to resolve the horror, the Infinite Total Black People Formula of Gij,j=0 can not only be used to destroy the solar system including our planet and wiping out all of humanity, but can also be used to destroy the whole universe resulting in the much dreaded total armageddon that reverses the whole creation process, which no intelligent or rational set of human beings can consider that option as the solution to these horrors being endured by Black People for over 500 years, which compels the Supreme Court and all other Courts to deliver justice to the Black People particularly the plaintiff's case.

117. The statistical data compiled by Vera Institute of Justice, which on wikipedia Vera Institute of Justice founded in 1961 by philanthropist Louis Schweitzer, works closely with government and civic leaders "to drive change, to urgently build and improve justice systems that ensure fairness, promote safety, and strengthen communities" (vera.org Exhibit "R") also confirmed by a recent Harvard University Law School document entitled *"Dissecting racial disparities in Mass. Criminal justice system*" by Brook Hopkins and Felix Owusu (Exhibit "Z") that was ordered by the Chief Judge Ralph Gants, confirmed it for the state of Massachusetts therefore it is expected a study in the state of New York is verified to be correct as well. That Vera Institute report states that for Massachusetts the prison population of Black People is 27% whereas the total population is 7%, which is almost 4 times more than the total population which means that a minimum of 75% of the decisions to be wrong. In the state of

New York the prison population of Black People is 48% whereas the total population is 15%, this means that a minimum of 67% of the decisions to be wrong.

118. In addition in the plaintiff's case *Oyibo v. Huntington Hospital* , the New York State and Federal Courts denied the plaintiff **ANY DISCOVERY**, including a decisively clear evidence of medical malpractice by Huntington Hospital (as well as a racial discrimination) in a video footage of the Plaintiff being medical malpractice assaulted/medical malpractice patient dumped by the Defendant Hospital's staff and therefore ending up with the judges acting as lawyers for the defendants which led to a fraudulent decision which is equivalent with a child is not infallibly related to its biological mother, which should persuade the Supreme Court to reverse the lower court's decision of the plaintiff's case and find the defendant's guilty of medical malpractice, particularly because the Vera Institute of Justice injustice statistics figure for New York State (Exhibit "R"), Black People are 15% of the total population but 48% of the prison population. If there was justice the figure of the Black People would be 15% of the prison population , therefore Black People being 48% of the prison population means there is a ratio of those who got justice and those who did not get justice of 15 to 33.

119. The mere fact of the Black People are 48% of the prison population instead of 15% means that every case had a chance of being right or wrong, since 15%, NOT 48% is expected to be the right percentage of the correct decisions. That means the plaintiff case has a chance of being a wrong decision or a right decision. However what verified it to be a wrong decision are the following 1) the so called judges acting as lawyers for the defendants, along with the defendants refused to released the video footage that clearly proved the Defendants Hospital's staff were beating up the plaintiff who was their patient, not only were the defendant's guilty of medical malpractice but also guilty of criminal medical malpractice and racial discrimination 2) the judges acting as lawyers for the defendants and the defendants, by deciding the defendants were not guilty of medical malpractice, refused to understand the

infallible truth that a child (criminal medical malpractice assault subset) is actually a subset of medical malpractice. Therefore, these two points 1) and 2), along with the Vera Institute of Justice figure, verifying the plaintiff case to have a possibility to have been decided wrong, the defendants are guilty of medical malpractice and racial discrimination against Usman Oyibo. GOD bless you.

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